

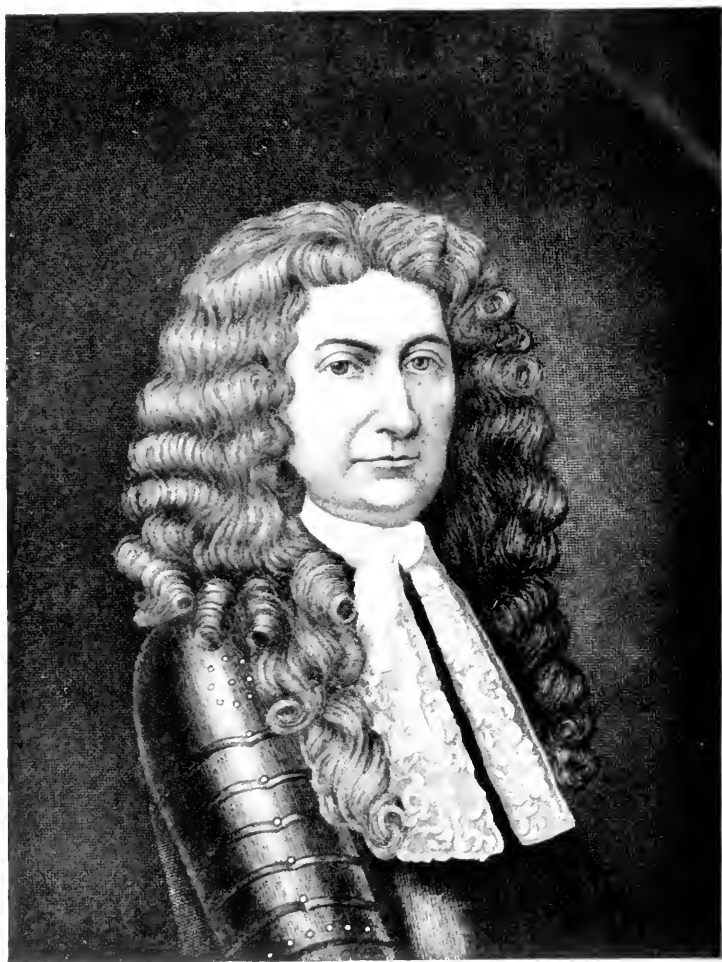


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SIR EDMUND ANDROS

HISTORY
OF
NEW HAMPSHIRE

BY
EVERETT S. STACKPOLE

Author of "Old Kittery and Her Families,"
"History of Durham, N. H.," etc.

VOLUME I

THE AMERICAN HISTORICAL SOCIETY
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Preface

IN the preparation of this history every possible effort has been made to gather information from original sources. While former histories of New Hampshire have been utilized, their statements and views have been subjected to criticism and further research. Much that is new in the early history of New Hampshire has been gleaned from manuscripts recently copied in London under the direction of the New Hampshire Historical Society. That Society has given valuable aid in research work through its secretary, Mr. Otis G. Hammond, and his assistants, Miss Edith S. Freeman and Miss Ruth Brown. Footnotes reveal the authorities for the most important statements. All the published Province and State Papers, all the County and Town Histories have been consulted. It has been necessary to leave out much and to write in a condensed style. *Multum in parvo* has been the rule adopted. An effort has been made to avoid dryness and make the work readable, though what is dry to one reader may be of great interest to another. The aim has been to state the truth with charity and to put blame upon conduct only when a moral lesson demands it.

The advisory board of editors, consisting of General Frank S. Streeter of Concord, William F. Whitcher of Woodsville, Judge Edgar Aldrich of Littleton, ex-Senator William E. Chandler of Concord, Charles A. Hazlett of Portsmouth, John Scales of Dover, and Rev. Burton W. Lockhart of Manchester, have given valuable advice and suggestions. Some have read the proof sheets carefully, made some corrections, added lines of information and led to modification of statements. Thanks are due to them for the interest shown and the help afforded. Yet it is not to be concluded that they are in any degree responsible for any statements of facts and opinions found in this history. They have advised and suggested, and the author has decided. He expects to shoulder all criticisms either from the historical or literary standpoint.

By advice of the above mentioned board the political history ends about the year 1884, a century after the adoption of

the Constitution of the State. The results of very recent events can not now be estimated. The motives and merits of the principal actors are subject of debate. Time must elapse before the outcome can be measured. Some things now thought to be of little importance may loom up largely in the future. Some other things which now trouble many souls may appear as trifles after another generation has past. The interpretation of history is subsequent history to a very large extent. Therefore the history proper ends with the fourth volume, and the author and the advisory board are not at all responsible for anything found in the fifth volume. That is a supplement, biographical rather than historical, although every biography necessarily includes historical elements. Indeed it is the acts of leading men that form the principal part of history, and the most interesting part. There must be an incarnation of truth and righteousness in the lives of men before their power is much felt. Every noble and useful life is a help and inspiration to somebody. In the fifth, or supplementary, volume an honest effort is made to portray the lives of New Hampshire men of the last generation, who have really taken parts worth mentioning in the recent history of the State. Thus will be preserved the original material from which some future historian will certainly draw.

To determine what biographical sketches should form a part of the fifth volume is a delicate task, for which the publishers alone are responsible. Like a photographer they pose the subject in the best light and attitude possible. Nobody is pleased with his own picture unless it looks full as well as he himself does at his best, and love for the departed idealizes their remembered lives.

The author assumes responsibility for all in the first four volumes except the chapters on "An Almost Successful Secession" and on "Franklin Pierce—President," written by Mr. William F. Whitcher, one of the advisory board, who has devoted special study to these themes. These chapters speak well for themselves.

Although the history proper terminates thirty years ago, statistical information is brought down to date, as well as late events in the revision of the State Constitution, growth of schools and colleges, development of State Institutions, rise and extension of manufactures and means of transportation. These

items of information will be found in their appropriate places.

It has been the desire and effort of the author to make this history illustrative of truth, righteousness, patriotism and human brotherhood. The history of New Hampshire is a record of the lives of many noble and efficient men. Every native of the Granite State should be proud of the deeds they wrought and the character they exhibited.

EVERETT S. STACKPOLE.

Concord, N. H., September 23, 1916.

The Society would express its obligations to Mr. Charles A. Hazlett, of Portsmouth, N. H., for use of various plates and photographs.

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Chapter I

THE BEGINNING

Chapter I

THE BEGINNING.

The Value of History—First Things—Early Fishermen—Martin Pring—Champlain—Capt. John Smith—Grant to John Mason—David Thomson, First Settler—Mason's Hall—Edward and William Hilton—Division of Land of Sir Ferdinando Gorges and Capt. John Mason—Laconia—Settlements at Newichawannock and Strawberry Bank—Ambrose Gibbons—Sketches of the First Settlers—Dissolution of the Council of New England—Is Mason's Royal Charter Authentic?—Death and Character of Mason.

BY learning and wisely interpreting the events of the past, we seek to better understand the present and forecast the future. History is the handmaid of prophecy. The roots of the present reach down and back to the beginning of things. We would like to start with creation, as the Hebrew historian did, and trace the annals down through the ages, hoping thus to learn the chain of causes. Events, like moving pictures, pass before an ever changing company of on-lookers, and interest in the present obscures memory of the past. Few have time and inclination to roll the film back and review slowly and thoughtfully the historic play as one connected and inseparable whole. Indeed this is impossible; we can only approximate such an endeavor. We dig and search for old records as for hid treasure, and when a few have been discovered it is the patient life-work of the historian to put them together, like pieces of a dissected map, in proper logical order.

First things fascinate us. Who discovered New Hampshire? Who first landed on her shores? When came they and for what purpose? Where were the first settlements made? What were the first forms of government? Such questions confront conflicting claims and evidences. Answers should be given impartially and without prejudice.

There can be no doubt that fishermen came often to the mouth of the Pascataqua many years, perhaps centuries, before any settlement was made on the coast of New England. Watts Fort, a little island in the Pascataqua, off Leighton's Point, in

Eliot, Maine, now covered with water at high tide, once had thereon an orchard and a habitation. Nobody surely knows the origin of the name, found in earliest deeds. Perhaps it was once the rendezvous of fishermen, while Franks Fort, just below it, may have been headquarters for an opposing band, the Franks, from Brittany. The Rev. William Hubbard of Ipswich, who wrote a history of New England before the year 1682, says that the Pascataqua was "a river of noat" and that it had been "frequented ever since the country was first planted, by such as came this way for trafficke with the inhabitants, natives and others, that have seated themselves in plantations about the uppermost branches thereof." It was probably a well known river long before there were any plantations on its banks. Fishermen were on the coast of Newfoundland at a very early date, and some adventurous spirits must have sailed along the coast of Maine and New Hampshire. Finding abundance of cod and mackerel about the Isles of Shoals and the waters of the Pascataqua and its tributaries swarming with salmon and sturgeon, they came again and brought others, returning to Europe to find a market.

The first discoverer of this region, of whom there is any historical record, was Capt. Martin Pring, sent by some merchants of Bristol, England, in the year 1603. His small ship of thirty tons was named the Speedwell. The crew consisted of thirty men and boys. Edmund Jones was his mate and Robert Salterne was chief agent. A bark, called the Discoverer, accompanied them, with William Brown as master and a crew of thirteen men and a boy. Samuel Kirkland was the mate of this little vessel of twenty-six tons. They sailed by leave of Sir Walter Raleigh, for the further discovery of North Virginia, as the New England of today was then called. April tenth they set sail from Milford Haven. "In June they fall in with the main coast and a multitude of islands in 43 deg. and 30 min. north, land upon them, coast along the shore near unto Cape Cod bay, sail around the cape, anchor on the south side in 41 deg. and 25 min., where they land in another bay and excellent harbor, make a barricado and stay seven weeks." Pring says that he rowed up an inlet ten or twelve miles. This was probably the Pascataqua, and he may have reached Newichawan-



JOHN SMITH

nock, Cochecho, Shankhassick, or Squamscot, the names Indians then gave to South Berwick, Dover, Oyster River and Exeter River.

Martin Pring is called "a man very sufficient for his place." He was born probably in 1580, in the parish of Awliscombe, near Honiton, Devon. After his voyage to these shores he entered the service of the East India Company. He commanded an English squadron in 1617 and died in 1626. A monument to his memory is in St. Stephens church, Bristol, with the inscription, "To the Pious Memorie of Martin Pringe, merchant, sometime General to the East Indies and one of ye Fraternity of the Trinity House," etc.¹

Samuel de Champlain's account of his voyage along the coast of Maine declares that he saw three or four rather prominent islands, *isles asses haute*, and on the west Ipswich bay. These must have been the Isles of Shoals.²

In 1614 Capt. John Smith sailed along the coast of Maine and New Hampshire and in his report made mention of Smith's Isles, which did not retain his name but were known as early as 1630 and probably before Smith visited them as the Isles of Shoals, where fishermen set up their flakes. Smith speaks also of the river Pascataque,—notice the French way of spelling it,—as "a safe harbor with a rocky shore." On his return to England he published a description of the country seen, with a map of the seacoast, which he presented to Prince Charles, who gave the country the name New England. Smith is best known as a prisoner among the Indians of Virginia, whom Pocahontas rescued from the tomahawk.

Doubtless many others, fishermen, traders and adventurers, carried back to England reports concerning this country and its wealth of fish and forest. The greatest hope of the first explorers was to find mines of gold and silver, such as had lured the Spanish to Peru and Mexico. Merchants of London and of Bristol were eager for gain. They formed companies and sent out settlers just as men are now doing with reference to Alaska. It is the prospect of gain that beckons colonists to distant lands.

¹ Prence's Annals of New England, p. 103; Purchas His Pilgrim, Vol. IV.; Mag. of Am. Hist., VIII, 840-44.

² Jenness' The Isle of Shoals, p. 18.

November 3, 1620, King James I granted to forty noblemen, knights and gentlemen, styled "the Councill established at Plymouth, in the county of Devon, for the planting, ruling, ordering and governing of New England in America," a charter embracing the territory between forty and forty-eight degrees of north latitude, stretching through the continent from sea to sea. The breadth of this was from near the mouth of St. Lawrence river to the vicinity of Philadelphia. This Council of Plymouth was formed by the petition of Sir Ferdinando Gorges, "captain of our fort and island of Plymouth," and certain other adventurers.

On the ninth day of March, 1621/2, the above named corporation, called in the grant "the President & Counsell of New England," granted to "John Mason, Gent, and inhabitant of the city of London," a great headland or cape lying in the northernmost parts of the Massachusetts country, "knowne by the Names of Cape Frabizzand or Cape Anne," lying between the Naumkeag and the Merrimack rivers and stretching westward to the farthest head of said rivers, together with the great Isle or Island, henceforth to be called Isle Mason, lying Neare or before the Bay harbor or ye river of Aggawam." This stretch of land "the said John Mason with the consent of the President and Councill intendeth to name Mariana." The Council authorized Ambrose Gibbons or other officer to be their true and lawful attorney, to deliver possession and seizin to John Mason.³

It is claimed that Ambrose Gibbons made a small settlement at Cape Anne in 1622 or 1623, and that in 1630 he was ousted by the Massachusetts Bay Company, whose grant covered the same territory. This claim was made in 1679, when the title of Robert Mason to New Hampshire was fully set forth by his agent.⁴ The fact that Gibbons is mentioned in the charter of 1622 as the person to whom possession was to be delivered and the fact also that he reappears in 1630 at Newichawannock (South Berwick, Me.) as agent of Capt. John Mason seem to favor this claim.

On the tenth day of August, 1622, the President and Council of New England granted to Sir Ferdinando Gorges and Capt.

³ N. H. State Papers, Vol. 29, pp. 19-23.

⁴ N. H. State Papers, Vol. XVII, p. 534.

John Mason of London a territory to be known as the Province of Maine, lying between the Merrimack and the Sagadahock (Kennebec) rivers and "to the furthest heads of said Rivers & soe upwards into the land westward untill threescore miles be finished from ye first entrance of the aforesaid rivers & half way over, that is to say to the midst of the said two rivers," and all the islands to within five leagues distance from the coast. Little was then known of the direction of these rivers, and they were supposed to be somewhat parallel and both flowing west to east. Capt. Robert Gorges was authorized to deliver possession and seizin.⁵

Thus far we have been dealing with discoveries and charters; we now come to actual settlements. An indenture has been found, dated December 14, 1622, between David Thomson of Plymouth, England, who had been employed by the Council of New England as messenger or agent, and three merchants, Abraham Colmer, Nicholas Sherwill and Leonard Pomery. The indenture recounts that the Council of New England had granted, October 16, 1622, six thousand acres of land and one island in and upon the coast of New England to the aforesaid David Thomson. Nothing is said in the indenture about the location of this grant, as to just where in New England it might be found. If Thomson had previously visited New England and selected his land, then this grant was in direct conflict with the grant made to Gorges and Mason only two months before. It is more likely that Thomson was allowed to choose his six thousand acres and his island anywhere within the territory controlled by the Council, so as not to interfere with the rights of other grantees, and when he found out that there was a prior claim to the land whereon he actually settled at Pascataqua, he abandoned his plantation there begun. Indeed the indenture reads that Thomson and those sent with him, as soon as they were landed in New England, should "find oute some fitt place or places there, for the choice of the said sixe thousand acres of land." He did not select it all in one place, as we shall see. It was agreed that the three aforementioned merchants should send over four men with the said David Thomson in the good ship

⁵ N. H. State Papers, Vol. XXIX, pp. 23-28.

called the Jonathan of Plymouth and also three men more in the ship called the Providence of Plymouth, together with victuals and provisions for three months, all to be sent this present year, making with Thomson eight men. The Public Record Office in London contains the following, in a catalogue of Patents granted for plantations in New England, "1622, a Patent to David Thomson, M. Jobe, M. Sherwood of Plymouth, for a pt of Piscattowa River in New England." This imperfect memorandum was made about the time of the Restoration of King Charles II, or about forty years after the grant, with change of names and insertion of the place selected after the grant was made. The record shows that Thomson's Point, in the Pascataqua, was known in London at an early date.

Governor Winslow, in 1624, calls David Thomson a Scotchman, and Hubbard, the historian, makes the same statement, probably quoting from the earlier authority. The marriage, however, of David Thomson, apothecary, to Amias Cole, was recorded in Plymouth, England, July 13, 1613. She was daughter of William Cole, shipwright and mariner, who, April 8, 1615, leased unto said Thomson for six years a part of his house recently built, "neare the old conduit," in Plymouth. Mention is made of her "children" in 1625, and the business transactions of her son, John Thomson, make it probable that he was born soon after the marriage of his parents and so was not the first white child born in New Hampshire, as some have assumed and asserted.⁶

David Thomson came over in the spring of 1623 and built a house at Little Harbor. The foundation stones of his chimney may be seen at Odiorne's Point. The whole region about the mouth of the river was then called Pascataquack, Pascataqua, or Pascataway. Here Thomson was visited in November, 1623, by Capt. Christopher Levett, who calls the place Pannaway. He staid a month with Thomson and here met Gov. Robert Gorges. Phineas Pratt also visited Thomson in 1623 at Pascataway.

Gov. Edward Winslow's book, *Good News of New England*, published in 1624, says that in 1623 "Capt. Standish being formerly employed by the governor to buy provisions for the

⁶ Aspinwall's Notarial Records, *passim*.

refurnishing of the colony returned with the same, accompanied with Mr. David Thomson, a Scotchman, who also that spring began a plantation twenty-five leagues northwest from us, near Smith's Isles, at a place called Pascataquack, where he liketh well." This fixes definitely the date of the first settlement in New Hampshire.

Thomas Morton's book, *The New English Canaan*, written in 1635 and published at Amsterdam in 1637, after ten years of experience in New England, names David Thomson, a Scottish gentleman, among the scholars and travelers of good judgment who conjectured the natives of New England to have been descended "from the scattered Trojans, after such time as Brutus departed from Latium."⁷ Geraldus Cambrensis argues a similar origin for the Welsh people. Such opinions may be classified with that which traces the English people back to the ten lost tribes of Israel.

As for Mason's Hall, said to have been built by Thomson, it existed only in the fancy of careless historians. Thomson had no reason to build or name such a stone house. He probably built a house of pine logs, with chimney of stone set in clay, at its north end. He probably also built a house at Thomson's Point, on the west side of the Newichawannock, the Indian name of the river that empties into the Pascataqua at Hilton's Point. The house was a short distance below the mouth of the Cochecho river, at a place recently called Gage's Point. Thomson's Point House is in the Dover tax list of 1648, and this was the well chosen place for fish-weirs. In the vicinity some graves have been found. Possibly Edward Hilton was one of the seven men who came over with Thomson and built this house for Thomson and here set up his weirs.

About 1626 Thomson left his possessions at the mouth of the Pascataqua and went to an island in Boston Harbor, ever since called Thomson's Island. It is a reasonable conjecture, that having chosen his six thousand acres at what was afterward called Dover Neck he disposed of the same to Edward Hilton, who subsequently obtained a grant for this tract and more land on the south side of the river, thus to insure and enlarge his possessions. Thomson died soon after his removal, for his wife

⁷ Morton's *The New Conaan*, published by the Prince Society, pp. 128-9.

is called widow in 1628. Her second husband was Samuel Maverick, a very early settler at Noddle's Island, now East Boston, whence he was constrained to depart by the oppositions of the Puritans. We shall meet with him again. It has been asserted that John Thomson, son of David, settled in Mendon, Massachusetts, but the evidence is not conclusive.⁸

The settlements made by David Thomson at Odiorne's Point, in what is now the town of Rye, and at Thomson's Point in Dover were temporary and abandoned after a few years, somewhat after the manner of the Popham settlement near the mouth of the Kennebec in 1607. We come now to the first *permanent* settlement in New Hampshire, made in 1623 by Edward Hilton at the end of Dover Neck, called ever since Hilton's Point.

The historian Hubbard says that with Thomson came in 1623 Edward Hilton and William Hilton. This has been disputed, but the evidence seems now to leave no room for doubt. William Hilton's son, William, in a petition to the Massachusetts General Court, before 1660, says that his "father, William Hilton, came over into New England about the yeare Anno Dom: 1621 and your petitioner came about one yeare & an halfe after, and in a little time following settled ourselves upon the River of Pischataq with Mr. Edw. Hilton, who were the first English planters there."⁹

Edward and William Hilton had been fishmongers in London, where the former appears as a member of the fishmonger's guild in 1621. In 1628, according to Gov. Bradford, he contributed one pound toward the expenses of the arrest and transportation of Thomas Morton of Merry Mount. William Hilton came to Plymouth, Massachusetts, in the ship *Fortune*, November 11, 1621, and his wife and two children came in the ship *Anne*, arriving in July or August, 1623. They had allotments of land, four acres, in Plymouth, in 1623. This William Hilton planted corn in that part of Kittery which is now Eliot, just across the river from Hilton's Point, in 1634.¹⁰ Later he lived

⁸ See Shurtleff's *Hist. of Boston* for particulars about Thomson vs. Dorchester as Claimants for Thomson's Island.

⁹ N. E. Historic Genealogical Register, Vol. XXXVI, p. 41.

¹⁰ Stackpole's *Old Kittery and Her Families*. p. 111.

at Kittery Point and at York, Maine. Evidently Edward Hilton came before his brother William to Hilton's Point, and probably with Thomson in the spring of 1623. Another person who came with Hilton was Thomas Roberts, as tradition says, some of whose descendants are now living on Dover Neck. The spot where Thomas Roberts first lived is pointed out to those interested in first things, while Hilton's house stood very near the site of the hotel at Hilton's Point. The location bears testimony to their good judgment and appreciation of the beautiful in natural scenery. They probably had charge of Thomson's fish-weir at Thomson's Point, perhaps two miles further up the river Newichawannock, or Fore River, as it came to be called by the early settlers, and doubtless they had independent fishing in the racing tides that flow between Hilton's Point and the opposite point in what is now Newington, which early acquired the name of Bloody Point. When Thomson left, Hilton remained and by occupation and improvement acquired possession of the six thousand acres that had been granted to the former. Hilton's right to this and adjacent lands was recognized by the President and Council of New England, March 12, 1629, when they granted to Edward Hilton, "for and in consideration that he and his associates hath already at his and their owne proper costs and charges transported sundry servants to plant in New England aforesaid, at a place there called by the natives Wecanacohunt, otherwise Hilton's Point, lying some two leagues from the mouth of the river Pascataquack in New England aforesaid, where they have already Built some houses and planted Corne, And for that he doth further intend by God's divine assistance to transport thither more people and cattle,"—granted to him "all that part of the River Pascataquack called or known by the name of Wecanacohunt or Hilton's Point with the south side of the said river up to the fall of the river and three miles into the Maine land by all the breadth aforesaid." This is known as the Squamscot Patent, so called from the Indian name of Exeter river. It included portions of the present towns of Newington, Greenland, Stratham and Exeter up to the first fall in Exeter river. It seems strange that this patent should be given by the same company of men that a few years before had granted to Capt. John Mason a territory that included the same

land now granted to Hilton, yea, and very soon after confirmed Mason in possession of this same land. On the seventh day of July, 1631, Thomas Lewis gave possession of this tract to Edward Hilton by "Livery and Seizin." The records of Massachusetts speak repeatedly of this tract of land as covered by two patents, whereas there was only one. The part at Hilton's Point has been estimated to contain three thousand five hundred acres. Mr. John S. Jonness argues that the intent of the original grant to Hilton was, that his land extended from Hilton's Point up to Quamphegan falls in the Newichawannock and that interested parties purposely misinterpreted the location of the grant. But the patent distinctly reads "the south side of the said river up to the fall," and it is impossible to make the west side of the Newichawannock mean the south side of the Pascataqua, which was the Indian name of the flood that pours out of Great and Little bays. Moreover, Hilton had lived long enough to learn where the good land was, and that stretching along the west side of the Newichawannock is very inferior in fertility and ease of access to that on the south side of the Pascataqua.¹¹

In the year 1629 Sir Ferdinando Gorges and Capt. John Mason agreed to divide the grant made to them of the aforesaid province of Maine, and on the seventh of November of that year the President and Council of New England, seated at Plymouth, England, granted to Mason a province, to be called New Hampshire, "all yt part of ye Mane land in New England lying upon ye sea Coaste beginning from ye middle part of Merrimack River & from thence to proceed Northwards along ye Sea coaste to Pascattaway river & soe forwards up within ye sd river to ye furthest head thereof & from thence North-westwards until Threescore miles be finished from ye first entrance of passcataway river & also from Merrimack through ye sd river & to ye furthest head thereof & soe forward up into ye land Westwards untill Threescore miles be finished and from thence to cross over land to ye Threescore miles end accounted from Passcataway river, together with all Islands & Isletts

¹¹ N. H. State Papers, Vol. I. pp. 29, 209, 211, 217; N. E. Reg., Vol. XXIV, p. 264.

wthin five leagues distance of ye premises & abutting upon ye same or any parte or parcel thereof," reserving two-fifth of the ore of gold and silver, which tract "ye sd Capt. John Mason intends to name New Hampshire." Capt. Walter Neale was declared lawful attorney to deliver possession and seizin.¹²

Only ten days later than the grant just mentioned, that is, November 17, 1629, a grant was made to Sir Ferdinando Gorges and Capt. John Mason of "all those lands & Countrys lying adjacent or bordering upon ye great lake or lakes or rivers commonly called or known by ye name of ye river & lake or rivers & lakes of ye Irroquis a Nation or nations of Salvage people inhabiting up into ye landwards betwixt ye lines of west & Northwest conceived to passe or lead upwards from ye rivers of Sagadahock & Merrimack in ye Country of New England aforesaid Together with ye lakes & rivers of ye Irroquis & other Nations adjoining, ye midle part of wch lakes is scittuate & lying nearabout ye latitude of forty four or forty five degrees reckon'd from ye Equinoctial line Northwards as alsoe all ye lands, Soyle & grounds wthin tenn miles of any partof said lakes or rivers on ye south or west part thereof & from yewest end or sides of ye sd lakes & rivers soe farre forth to ye west as shall extend half way into ye next great lake to ye Westwards & from thence Northwards unto ye north side of ye maine river wch runeth from ye great & most westernne lakes & falleth into ye river of Canada."¹³ The intention expressed in the grant was to name this province Laconia. Gorges and Mason covenanted to govern their plantations according to the laws of England and within three years to build a fort with a competent guard and to settle at least ten families. They were given permission to take possession of one thousand acres of land on any ports, harbors, or creeks in New England, not already occupied, whence it would be most commodious to transport merchandize to the great lakes. Edward Godfrey was named to deliver possession and seizin. It is evident that the grantors did not know the direction of the rivers named, nor the distance of lake Champlain from the seacoast, nor the difficulty of reaching the region granted. They conceived that Laconia lay back of and adjoining

¹² N. H. State Papers, Vol. I, pp. 21-26.

¹³ N. H. State Papers, Vol. XXIX, pp. 33-38.

to the previous grant that reached sixty miles inland from the ocean. The tract called Laconia had nothing to do with New Hampshire, and nothing was ever done by Gorges and Mason to develop the tract, save that the agent of Mason, Capt. Walter Neale, tried to explore a way thereto and failed to reach the goal of his journey.

It may have been for the development of Laconia that an indenture was drawn up and sealed November 3, 1631, between the President and Council of New England and Sir Ferdinando Gorges, Capt. John Mason and their associates, John Cotton, Henry Gardner, George Griffith, Edwin Guy, Thomas Wanner-ton, Thomas Eyre and Eliezer Wyer, wherein the Council unto the aforesaid persons did "grant, bargaine, sell, assigne, aliene, sett over, enoffe and confirme" to them, in consideration of the fact that already they had done much for the advancement of the plantation, in the making of clapboards, pipe staves, salt pans and salt, in transporting vines, in searching for iron ore, and in the expenditure of upwards of three thousand pounds, "All that house and chiefe habitacon situate and being at Pascataway in New England aforesaid, wherein Capt. Walter Neale and ye Colony with him doth or lately did reside, together with the Gardens and Corngrounds occupied and planted by the sd Colonie, and the Salt workes allready begun aforesd, And also all that porcon of land lying within the precincts hereafter menc'oned beginning upon the Seacoast 5 miles to ye Wtward of or from the sd chiefe Habitacon now possessed by ye sd Capt. Walter Neale for the use of the adventurers to Laconia (being in the latitude of 43 degrs or thereabouts in the Harbour of pascataquack al's Pascataquack al's Pascataway), and so forth from ye sd beginning Eastwd & North Eastwd and so preceeding Northwds or North Westwds into ye harbour and River along the Coasts & Shoares thereof including all the Islands and Isletts lying wthin or neere unto the same upwards into the headland opposite unto the plantacon or Habitacon now or late in the Tenure or Occupation of Edwd Hilton & from thence Wtwds & South Wtwds in ye midle of ye River and through ye midle of ye Bay or lake of Boquacack al's Boscaquack or by what other name or names it hath towards the bottome or West-ermost part of ye River called Pascassockes to the falls thereof,

and from thence by an Imaginary Line to pass over, and to the sea, where the pambulacon began, ——— And also the Isles of Shoales, and ye fishings thereabouts, and all the seas within 15 miles of the aforesd Sea Coasts, And also all the Sea Coasts and Land lying on ye East and Northeast side of the Harboure and River of Pascataway aforesd and opposite to the bounds above menc'oned, beginning 15 miles to ye S: eastwards of ye mouth or first entrance and beginning of the said Harboure, and so crossing into the Landward, at right angle by the space of 3 miles the whole length thereof from ye sd mouth or first entrance from the Sea and Eastwds into ye Sea, wch sd 3 Miles shall be allowed for the breadth of ye sd land last menc'oned both upon ye land and sea." This description takes in the present towns of Rye, Portsmouth, Newington, Greenland and Stratham in New Hampshire, and in Maine the towns of Kittery, Eliot, South Berwick, Berwick, North Berwick and a portion of Lebanon. Capt. Thomas Cammock or Henry Jocelyn was authorized to deliver possession and seizin. Here, too, we see that a portion of the land thus granted was included in the grant made to Edward Hilton a little while before in what is known as the Squamscot Patent. The Council of New England, at Plymouth, England, had a way of granting lands again and again, seemingly without any reference to maps or records of previous proceedings.

The above is called a grant and confirmation of Piscataway. The company to whom it was granted has been called the Laconia Company, because of the word Laconia in the indenture, and it may be that from this region as a base of supplies the intention was to develope the region about lake Champlain. The company did not remain long in existence, and in the division of its property on the east side of the Pascataqua river, December 6, 1633, Newichawannock fell to Capt. John Mason, to whom Sir Ferdinando Gorges gave a deed, September 17, 1635, of a strip of land three miles broad and about fifteen miles long, reaching from a quarter of a mile below the mouth of Great Works river to within the present town of Lebanon, Maine. Doubtless Mason acquired possession of this tract because of his having already planted a settlement and built mills there. Indeed more is recorded about this settlement than about

the other made by him at Strawberry Bank, now Portsmouth. While Capt. Walter Neale was his agent at Strawberry Bank, Ambrose Gibbons conducted operations at Newichawannock, on the upper falls of the Aspenbedick, or Great Works river, in what is now South Berwick, Maine. Thither came, with Ambrose Gibbons, Thomas Spencer and William Chadbourne, both of whom remained after Gibbons left the place. The correspondence of Gibbons is of great interest, showing the difficulties and disappointments of proprietor and settlers. Mills and houses were erected; a vineyard was planted in the low ground below the upper falls; and considerable trade was carried on with the Indians through the friendly sagamore Rowls at Quamphegan, the Indian name of the site of the village of South Berwick. It is probable that Gibbons removed to Saunders Point before the death of Mason and he was living there in 1640. Henry Jocelyn testified, July 4, 1661, that about twenty-eight or twenty-nine years ago Walter Neale gave to Ambrose Gibbons a tract of land in Pascattaway River, called Sanders Point, lying between the Little Harbor and Sagamore Creek.¹⁴ Under date of December 5, 1632, Mason and other proprietors wrote to Gibbons thus, "You desire to settle yourself upon Sander's Point. The adventurers are willing to pleasure you not only in this, in regard of the good report they have heard of you from tyme to tyme, but alsoe after they have conferred with Capt. Neale, they determine some further good for your incouridgment," and on the thirteenth of July, 1633, Gibbons replied, "For my settlement at Sanders Point, and the further good you intend me, I humbly thank you; I shall do the best I can to be grateful."¹⁵ The "further good" here mentioned may have been a grant of two hundred acres of land on the south side of Oyster River, in the present town of Durham, about a mile below the Falls, where his cellar on a commanding hill of the old Burnham farm may be easily found and where Gibbons died in 1656.¹⁶ He was one of the first board of selectmen of Dover. Tradition says that he was buried at Saunders Point. The only child of Gibbons, Rebecca, married Henry Sherburne, who received the place and

¹⁴ N. H. Prov. Deeds, V, 83.

¹⁵ N. H. Prov. Papers, I, 69, 81.

¹⁶ Hist. of Durham, N. H., I, 56, and Old Kittery and Her Families, pp. 21-24, 26-36.

conveyed it, January 29, 1677/8, to his son, John Sherburne, about three acres. The name may have been derived from Edward Saunders, who was a witness in 1643 and agent for Capt. Francis Champernowne in 1644. If so, Edward Saunders must be reckoned as one of the earliest settlers of New Hampshire.

A list of stewards and servants sent over by Capt. John Mason has been handed down. It contains the names of fifty persons, besides eight Danes and twenty-two women, whose names are not given. This list was probably made some years after their coming and from memory and was used in connection with a law suit. In it may be some mistakes and omissions. Of the women one was the wife of Ambrose Gibbons and another was wife of Roger Knight. Since many in the list were the earliest settlers of New Hampshire and numerous descendants may be found there now, it may be interesting to the general reader to know what has been gleaned concerning them, without the trouble of reference to many books and manuscripts.

Capt. Walter Neale came over in 1630, having been a soldier by profession. He was governor of all New England east of Massachusetts, although he had but few people to govern. He built the earliest fortification on Great Island, now New Castle. On his return to England in 1633 he was appointed captain of the London Artillery Company and retained that office till 1637. Nothing is known of his origin, family or subsequent career. A Walter Neal, born in 1633, was living in Greenland, N. H., from 1653 to 1702, from whom there are many descendants.

Of Ambrose Gibbons, first steward of Mason's colonists, enough has been said already.

Capt. Thomas Cammock was a nephew of the first Earl of Warwick and was sent over "for discoverie" or exploration. Neale gave him a deed of a large lot of land in what is now Eliot, Maine, which later became the Shapleigh homestead. In 1631 he had from the Council of New England a grant at Black Point, in Scarborough, where he made his home. Henry Jocelyn married his widow, Margaret, and received nearly all the property of Cammock.

William Raymond is named in the list, possibly an error for John Raymond, who was purser of the *Pied Cow*. Nothing more is known of either.

Francis Williams is called governor. He made an agreement in 1635 with Sir Ferdinando Gorges to plant a small colony on six thousand acres of land in any place he might chose. He brought with him to the Pascataqua eleven persons. His wife's name was Helen. Hubbard says that he died at Barbadoes about 1640.

George Vaughan remained but a short time in the province. He started for England in 1634 and arrived the following year. William Vaughan came soon after. Whether they were related has not been determined. The Vaughan family were prominent in the early history of Portsmouth.

Thomas Wonerton, or Wannerton, had charge of the house at Strawberry Bank till about 1644. He was killed in an attack upon a house on the Penobscot in that year. Winthrop says that he had "been a soldier many years and lived very wickedly." He should not be confused with the partner of Gorges and Mason, who bore the same name. He was once admonished by the local court for striking his wife with a stool and told to do so no more. His widow, Ann, married Thomas Williams of Portsmouth and in 1670 brought action against Richard Cutt for refusing to let them have the third of a house and land which was her former husband's. This was probably the Great House, built by William Chadbourne for Mason, and belonged to neither Wannerton nor Cutt, although both lived in it.

Henry Jocelyn, born about 1611, was son of Sir Thomas Jocelyn. He was a man of high character, holding official positions and opposed to the claims of Massachusetts. He had land in what is now Eliot, and Watts' fort is once called "Point Joslain." He removed to Black Point, Scarborough, and thence to Pemaquid, where he died in 1683.

Francis Norton was an inhabitant of Charlestown, Mass., in 1637. He was steward of Mrs. Ann Mason after 1638 and drove one hundred of her cattle to Boston and there sold them for twenty-five pounds apiece. He became a member of the church at Charlestown in 1642, and his sympathies were with the government of Massachusetts.

Sampson Lane succeeded Wannerton as steward in 1644, returning to England after three years. Of the above mentioned ten governors or stewards only Ambrose Gibbons left a descendant in New England.

Reginald, or Renald, Fernald was the surgeon or physician of Mason's company. He lived at Strawberry Bank and died in 1656 on Pierce's Island and was buried, tradition says, at the Point of Graves in Portsmouth. His wife, Joanna, died in 1660. He was a surgeon in the English navy, it is said, before coming to New Hampshire, resigning his post to come here. He served as Clerk of Court, Recorder of Deeds, Commissioner and Surveyor, and was town clerk at the time of his death. His descendants are said to number over fifty thousand.

A deposition of Henry Langstaff, about 1699, states that Ralph Gee kept the cattle of Mason and was employed in making staves. He lived for a while in the house built by David Thomson at Little Harbor. He had a plantation adjoining, which at his death in 1645 passed into the possession of William Seavey. Henry Gee also was one of Mason's servants, of whom nothing more is known.

Another servant was William Cooper. Hubbard mentions the fact that a person named Cooper was drowned at Pascataqua in December, 1633.

William Chadbourne was one of the millwrights and carpenters who came in 1634 to build the mills at Newichawannock or Great Works, Maine. His son, Humphrey Chadbourne, came in 1631 and built the Great House at Strawberry Bank, afterwards settling at what is now South Berwick, Maine. From him are descended many prominent men, among them President Paul Chadbourne of Williams College.

Francis Matthews married, November 22, 1622, Thomasine Channon, at Ottery St. Mary, Devonshire, and came over in 1634. Wannerton in 1637 gave him a lease of a hundred acres of land for a thousand years on the northwest side of Great Island, "commonly called Muskito Hall." The title was afterward disputed. He signed the Exeter Combination in 1639, then living at Oyster River Point, where he died in 1648. Many of his descendants write the surname Mathes.

Francis Rand, born in 1616, lived at Portsmouth and was killed by Indians, September 29, 1691, his wife having been killed before. He left children, Thomas, John, Samuel, Nathaniel, Sarah Herrick and Mary Barnes.

James Johnson, born in 1602, signed a petition from Bloody

Point in 1643, was a ferryman in 1648 and had a part in the distribution of land in Portsmouth in 1657. Widow Mary Johnson was living in Portsmouth in 1678. He left two daughters, Mary who married John Odiorne, and Hannah who married Thomas Jackson.

Anthony Ellins lived in Portsmouth and died there about 1681. His wife Abigail died the same year.

Henry Baldwin, named in the list, is altogether unknown. No such name appears in early records of New Hampshire. Beatrice Baldwin is one of the legatees in Capt. John Mason's will.

Thomas Spencer was born in England in 1596 and came over in 1630. He has the honor of being the first permanent settler in Maine, so far as historical records show. He married Patience, daughter of William Chadbourne, bought lands of the sagamore Rowls and lived at Quamphegan, now the village of South Berwick, Maine. He was a planter, lumberman and inn-keeper. He died December 15, 1681, and his descendants are very numerous.

Thomas Furrall and Thomas Herd are unknown. John Heard of Dover and another John Heard of Kittery are well known among the earliest settlers.

Thomas Chatterton does not again appear. This may be an error for Michael Chatterton, who signed the grant for the Glebe in Portsmouth, in 1640. In 1646 the court ordered that "good wife Chatterton shall go to her husband before ye 20th of ye next month; if she will not goe, to make a warrant to send her by the Marshall."

John Crowther signed the grant of the Glebe in 1640. He sold land to Ambrose Lane in 1648 and died in 1652. His house, land and island were granted to John Jackson in 1656.

John Williams is unknown. Thomas Williams of Portsmouth and William Williams of Oyster River are well known.

Roger Knight, born in 1596, bought land in Strawberry Bank of Thomas Wannerton in 1643 and was living in Portsmouth in 1667. His wife's name was Anne and a daughter, Mary, is said to have married John Brewster of Portsmouth.

Henry Sherburne, son of Joseph and grandson of Henry, was baptized at Odiham, Hampshire, England, March 22, 1611. His grandfather was of Beam Hall, Oxford. He came in the ship

James, arriving June 12, 1632, in eight weeks from London. He married, November 13, 1637, Rebecca, only child of Ambrose and Rebecca Gibbons. She died June 3, 1663, and he married (2) Sarah, widow of Walter Abbot. Henry Sherburne was one of the associate judges and died in 1680, aged 69. His descendants are many, and some have held prominent places.

John Goddard came as a millwright in 1634. He had a lot on Dover Neck in 1648 and was made freeman of Dover in 1653. He lived on the south side and near the mouth of Goddard's Creek, in what is now Newmarket, dying there in 1660. His widow, Welthean, married John Symonds. The surname became extinct with the next generation. A daughter Mary married Arthur Bennet, and another daughter, Martha, married James Thomas and (2) Elias Critchett.

Thomas Fernald is supposed to have been a brother of Dr. Reginald Fernald. Nothing more is known of him.

Thomas Withers was born in 1606. Sir Ferdinando Gorges gave him a deed of four hundred acres in Kittery, directly opposite the city of Portsmouth, and eight hundred acres more at the head of Spruce Creek, in Kittery. He was a Commissioner in 1644 and Deputy to the General Court in Boston in 1656. He died in 1685, and his widow, Jane, married William Godsoe of Kittery. Three daughters are known, Sarah who married John Shapleigh, Mary who married Thomas Rice, and Elizabeth who married Benjamin Berry and (2) Dodavah Curtis.

Thomas Canney bought land of Capt. Thomas Wiggin in Dover in 1634. He lived in Newington, on the shore of the Pascataqua. Children were Thomas, Joseph, Mary who married Jeremy Tibbetts and a daughter who married Henry Hobbs of the place now known as Rollinsford.

John Symonds came in 1634 and was in the employ of John Winter in 1636. He was a selectman of Kittery in 1659, living near the Boiling Rock, on the east bank of the Pascataqua. He was a juryman in Dover in 1672, having married the widow of John Goddard. A daughter, Rebecca, married William Hilton of Exeter.

John Peverly was a resident of Portsmouth in 1678. Thomas Peverly was a land-owner there in 1657 and married Jane,

daughter of Thomas Walford, and had children, John, Thomas, Lazarus, Samuel, Jeremiah, Sarah and Martha.

William Seavey, aged about 75 years, deposed, September 3, 1676, that he came as a fisherman to the Isles of Shoals "about a year before Capt. Neale went from this country for England," that is, in 1632. He was a selectman in Portsmouth in 1657. He had a grant of fifty acres in 1652 in what is now the town of Rye. His children were William, John, who removed to Bradford, Mass., Elizabeth who married — Odiorne, and Stephen.

Henry Langstaff was living at Bloody Point, Newington, in 1643 and was selectman of Dover in 1651 and several times later. He died July 18, 1705, aged nearly one hundred years. He had a son Henry and a son John, who removed to New Jersey about 1667. A daughter, Sarah, married Anthony Nutter. Another daughter, Mary, married Eleazar Coleman.

William Berry is said to have been the first settler at Sandy Beach, in the town of Rye. He died about 1654, and his widow, Jane, married Nathaniel Drake. Children were Joseph, John, James, William, and Elizabeth, who married John Locke.

Thomas Walford was the first settler of Charlestown, Mass. He removed to Portsmouth and lived on Great Island and later at Sagamore Creek. He was a church warden in 1640 and died in 1656. His children were Thomas, Jeremiah, Martha who married Thomas Hinckson and (2) John Westbrook, Jane who married Thomas Peverly and (2) — Goss, Hannah who married — Jones, Mary who married William Brookin and (2) William Walker, and Elizabeth who married Henry Savage.

James Wall, millwright and carpenter, signed the exeter Combination of 1639 and later lived in Hampton, where he died October 3, 1659. His daughters were Elizabeth who married Thomas Harvey, Sarah who married Thomas Dow, Mary who married John Marston, and Hannah who married Benjamin Moulton. There were no sons to perpetuate the surname.

William Brookin or Brooking resided in Portsmouth from 1657 or earlier. He married Mary, daughter of Thomas Walford and died in 1694. His widow married William Walker and was living in 1720 at a great age. His daughters were Rebecca who married Thomas Pomeroy, Mary who married Thomas Lucy, Sarah

who married Jacob Brown, Martha who married John Lewis, Rachel, and another who married John Rouse.

Thomas Moor is unknown. Of Joseph Beal no other record is found. Edward Beal is found in the next generation at Portsmouth, and Arthur Beal was at the same time of York, Maine.

Hugh James is unknown. William James was in Kittery about 1650 and then sold land to John Diamond.

Alexander Jones, born in 1615, was the first owner of the land where now is the village of Kittery. He sold to William James. He was of Portsmouth in 1657 and of the Isles of Shoals in 1661. He perhaps married Mary, daughter of Thomas Walford. Children were probably Sarah, Samuel, John, and Alexander.

John Ault, born in 1601, lived at Oyster River Point 1645-1679. He had wife Remembrance, who came over about 1638. Children were John, Remembrance who married John Rand, and Rebecca who married Thomas Edgerly. The two last lived at Oyster River Point.

William Bracket is unknown, perhaps an error for Anthony Bracket, a settler in Portsmouth before 1640, whose descendants are well known.

James Newt, or Nute, lived on Back River in Dover. He was alive in 1691. He signed the Dover Combination in 1640. Children were James and Abraham, whose descendants are numerous.

Thus we have passed in review the company of men who are said to have been servants of John Mason, though the accuracy of the list may be distrusted, and apparently Thomas Walford and William Seavey did not come over as his servants. These were among the earliest settlers of New Hampshire, and certainly their families grew up with the country. They helped largely to make the State what it now is. Their labors and their spirit contributed to its prosperity and drew other settlers to join them. The town of Newbury, Mass., has erected a granite shaft on the old village green near the mouth of Parker River, with the names thereon of the first settlers; somewhere in Portsmouth there should be a similar memorial, while at Hilton's Point should be erected a monument to the first permanent settler of New Hampshire, Edward Hilton.

In 1635 the Council of New England was dissolved. Its work had been careless and the occasion of many conflicting claims. It aimed to monopolize the natural resources of New England and to distribute them to a favored few. Gorges was accused of the desire to monopolize sunshine and air, in order that he alone might cure fish. Mason, probably foreseeing the discontinuance of this corporation, leased, April 18, 1635, to his brother-in-law, John Wollaston, all his possessions lying between the Naumkeag and Pascataqua rivers, which Wollaston promptly transferred back to Mason, June 11, 1635, after the dissolution of the aforesaid Council. Under date of April 22, 1635, there are two grants to Mason, confirmations of his claim to the lands between the Naumkeag and the Pascataqua, together with a grant of ten thousand acres lying southeast of the mouth of the Sagadahock, or Kennebec, river, the latter to be called Masonia. The heirs of Mason never made any claim to this grant. The difference between the two grants of the same date is verbal to a slight extent, and, moreover, the power of government is included in one of the grants, "with ye power of Judicature in all causes and matters whatsoever as well criminal capitall & civill ariseing or which may hereafter arise within ye limits bounds & precincts aforesaid to be exercised and executed according to ye laws of England as near as can be by ye sd Capt. John Mason his heirs & assignes or his or their Deputies Lieutenants Judges Stewards or officers thereunto by him or them assigned deputed or appointed from time to time."¹⁷ Little claim was ever made by the heirs of Mason based upon this clause, and judges decided that they had no power of government. The second grant also differs from the first in this respect, that Henry Jocelyn or Ambrose Gibbons was authorized to deliver possession and seizin to Capt. John Mason or to his attorney. It was said that Jocelyn was on his way to make such delivery when he heard of the death of Mason and so desisted from his undertaking. An argument oft repeated in after years against the validity of Mason's claims was that no legal delivery of the lands had ever been made.

To further strengthen his claim Capt. John Mason is said

¹⁷ N. H. State Papers, Vol. XXIX, pp. 62-66.

to have obtained a royal charter from King Charles I, dated August 19, 1635, although the authenticity of this charter is disputed. It confirms to him all the lands between the Naumkeag and the Pascataqua and sixty miles inland and the south half of the Isles of Shoals, to be called New Hampshire, and the ten thousand acres near the mouth of the Sagadahock river, to be called Masonia. The asserted charter confers legal rights upon Mason and makes him true and absolute lord and proprietor, subject only to the laws of England and allegiance to the king. He had power to make laws with the consent of the freeholders and in emergencies without consulting with them. He also was given power to appoint judges, justices and magistrates, to use martial law in case of rebellion, to confer titles of honor, to raise troops and transport arms and munitions of war, to build forts, to collect tolls and taxes, to erect Courts Baron, and to give titles to estates sold. Such extensive powers were not granted to other proprietors. The charter was not recorded in England. In the Masonian claims it was not produced as evidence. In opposition to the powers conferred in this charter in later litigation all powers of government were disclaimed or denied. It seems, then, that objections to the genuineness of this royal charter are well founded.¹⁸ A letter from George Vaughan to Ambrose Gibbons, dated London, April 10, 1636, says that if Mason had lived he would have taken a patent from the king. Perhaps the royal charter was drawn up in desired form and never executed; perhaps it was a bold forgery, like the Wheelwright deed.

Capt. John Mason was the son of John Mason of King's Lynn, county Norfolk, England, who married Isabel Steed. He was baptized December 14, 1586. There is some evidence that he was for a time a student at the University of Oxford. He became a captain in the English navy and governor of Newfoundland, where he remained about six years, making a survey and map of the island. In 1626 he was made treasurer and paymaster of the English armies employed in the wars with France and Spain. In 1634 he was appointed captain of the South Sea Castle, at Portsmouth, England. When Sir Ferdinando Gorges

¹⁸ N. H. State Papers, Vol. XXIX, pp. 69-85. Cf. notes by John Farmer to Belknap's History of New Hampshire, pp. 14, 15.

was governor of New England, Mason was chosen vice-admiral. All these offices show that he was highly esteemed and a man of executive ability. He spent a small fortune in his plantations at Newichawannock and Strawberry Bank. His purpose was lofty and his faith in the future development and growth of the American colonies was great. The state of New Hampshire owes much to him, who gave to her a name and a foundation. He was a churchman and therefore was not in favor with Gov. John Winthrop and other authorities of Massachusetts Bay, but he was as wise, able, patriotic and unselfish as any of the founders of the rival colony. His death in December, 1635, put an end to his endeavors for the upbuilding of his cherished plantations. In his will he names "the Mannor of Mason Hall" as though it included all New Hampshire. In that will he bequeathed a thousand acres to support a church and another thousand to maintain a free Grammar School, where they might be suitably located in New Hampshire. The bulk of his property and all his claim to New Hampshire descended to his grandson, Robert Tufton, on condition that he should take the surname Mason. The condition was complied with and thus were founded legal claims to an extensive province, which occasioned law suits throughout a century.

Chapter II

THE FOUR TOWNS

Chapter II

THE FOUR TOWNS.

Forged Letter—Division of Mason's Goods—Governor Francis Williams—Combination at Strawberry Bank—Granting of the Glebe—Earliest Records Destroyed—Towns Without a Charter—Episcopalians in Portsmouth—Early Officials—Settlement at Hilton's Point—Capt. Thomas Wiggin and Company on Dover Neck—First Church in Northam—Capt. John Underhill—Dover Combination—Limits of Ancient Dover—First Mills—Church at Oyster River—Leading Men of Dover—The Wheelwright Deed a Forgery—Settlement of Exeter—Sketch of Rev. John Wheelwright—Exeter Combination—Wheelwright and Others Remove to Wells, Me.—Rev. Samuel Dudley—Later Division of Exeter—Settlement of Winnacunet or Hampton—The Bound House—Leaders in Hampton—Rev. Stephen Bachiler—Home Rule in the Four Towns.

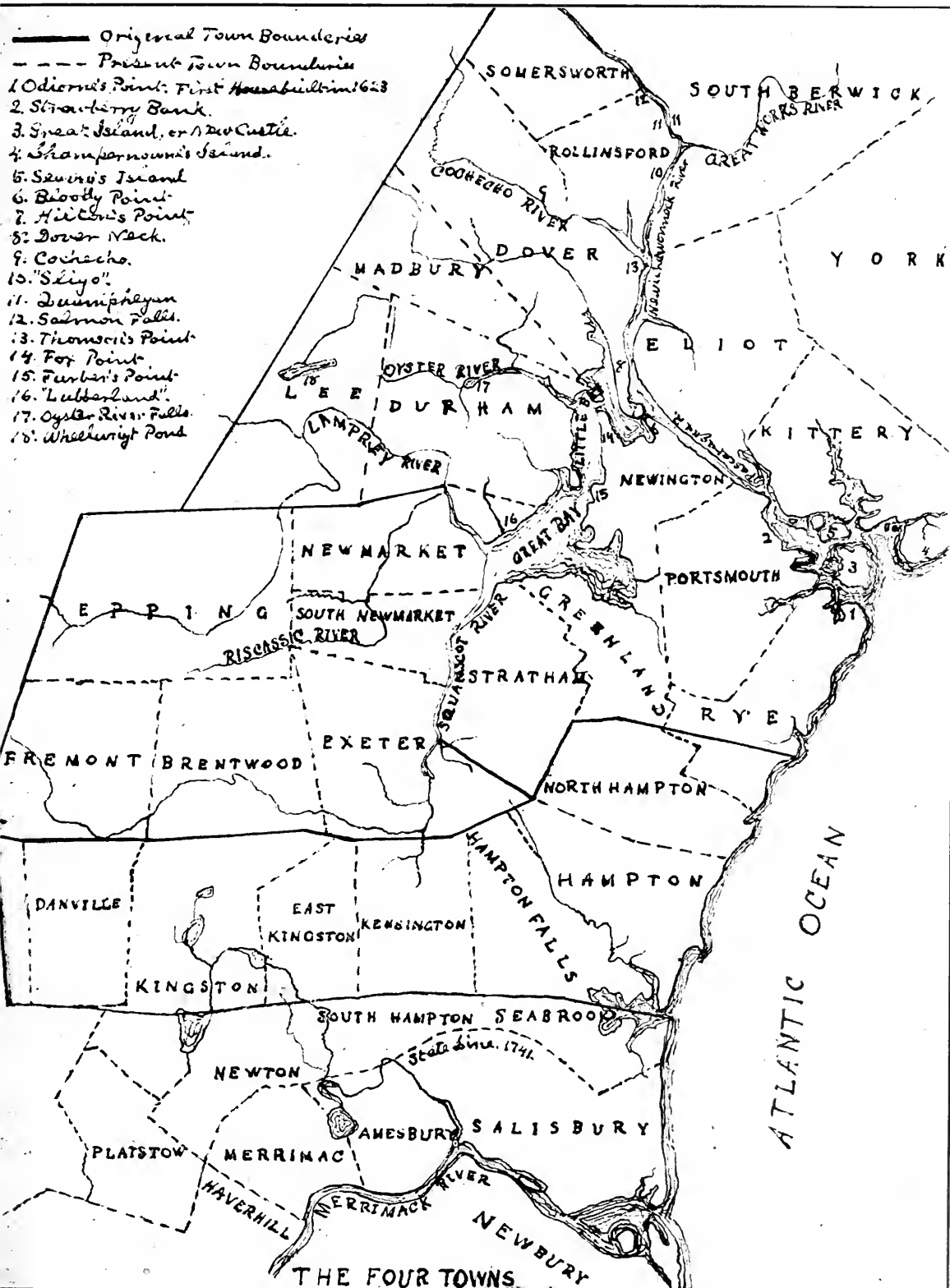
THERE is on record a letter, whose genuineness can not be admitted, purporting to have been written by Capt. Walter Neale and Capt. Thomas Wiggin to Capt. John Mason, dated at Northam, 13 August 1633, in which they say that they have received orders from the patentees "to make a division of those patents into four towns." Accordingly they make such a division, only reporting the fourth town, Exeter, as lying outside of Mason's grants. The other towns were Portsmouth, Dover and Hampton, names which were not in use till some years after the date of the so-called letter. Nevertheless the fabricator of this epistle, who wrote it many years later, displays considerable knowledge of the early history of New Hampshire and its leading men. There were four towns, and these comprised all the then known province or grant to Capt. John Mason. Each town has a somewhat distinct history.

After the death of Mason, in 1635, his servants at Newichawannock and at Strawberry Bank, left without property to shift for themselves, scattered at their pleasure, divided Mason's movable goods among themselves, and took possession of any unoccupied land that pleased them, with silent consent of their neighbors. The mills fell into disuse and decay. The cattle, to the number of one hundred, were driven to Boston by Francis Norton and there sold. Thomas Wannerton lived in the Great

House¹ at Strawberry Bank till about 1644, when, according to deposition of Francis Small, he carried "quantities of goods and arms belonging unto Mason's Plantation and sold them unto the French that did inhabit Port Royal." The same year he lost his life in an attack upon a house on the Penobscot river. Henry Jocelyn acted as agent for widow Ann Mason for a short time, and in 1640 we read of one Francis Williams as governor of the colony at Strawberry Bank. It is probable that he was elected to that office by the inhabitants, who had some combination for government perhaps as early as 1636, or immediately after the death of Mason, the same year that a court was first established and civil government commenced at Saco, in the province of Maine. The Rev. George Burdett, in a letter to the Archbishop of Canterbury, 29 November 1638, says that there was yet no government in Pascataqua, "none but combinations; because ye several patents upon ye river are thought to comprise no commission of jurisdiction." "The old combination at Strawberry Bank" is mentioned earlier than 1643. The historian Hubbard says that the people at Strawberry Bank entered into a combination for self-government soon after the departure of Capt. Walter Neale, which was in 1633. It is certain that there must have been some sort of a combination for government in 1640, for on the twenty-fifth of May of that year a grant of fifty acres of glebe land for the support of the ministry was signed by twenty persons. A chapel and parsonage already had been erected by the same persons. The signers were Francis Williams, Governor, Ambrose Gibbons, Assistant, William Jones, Renald Fernald, John Crowther, Anthony Bracket, Michael Chatterton, Jno. Wall, Robert Buddingson, Mathew Cole, Henry Sherburne, John Lander, Henry Taler, Jno. Jones, William Berry, Jno. Pichering, Jno. Billing, Jno. Wolton, Nicholas Row and William Palmer.

Little can be learned about the first steps in local self-government at Strawberry Bank, because the first book of records has not been preserved. In the first book extant, under date of January 13, 1652, there is a record of the meeting of the selectmen at the house of George Walton, who kept an ordinary on Great Island. "This night the select men exsamened

¹ See Appendix A.



the ould Town booke and what was not aproued was crossed out, and what was aproued was left to be Recorded in this booke and to be conformed by the present select men."² From the old book were copied into the new one grants of land dated as early as 1645, showing that some form of town government then existed. The fact is that the first towns of New Hampshire, that is, Strawberry Bank and Northam, did not wait to receive a charter or to be incorporated before doing the business of a town. The first settlers acted on the principle later enunciated, that all government derives its authority from the consent of the governed. Human society can not exist without acknowledged customs, which soon become laws. The basal principles of law, with some of its precepts, the first settlers brought with them from England. New regulations had to be made to suit changed conditions, and these were made by common consent, or by majority vote of the settlers assembled. Thus the town meeting became the legislative assembly.

The name, Strawberry Bank, arose from the abundance of strawberries found where the town first began. It was changed to Portsmouth by the General Court of Massachusetts, 28 May 1653, in response to a petition signed by Brian Pendleton, Rich. Cutt, Renald Fernald, Samuel Haynes and John Sherburne, in behalf of the town. The petition reads thus, "Whereas the name of this plantation att present being Straberry banke accidentally soe called by reason of a banke where Straberries was found in this place, Now your petitioners Humble desire is to have it called Portsmouth, being a name most sutable for this place, it being the River's mouth and a good harbour as any in this land."³ The petition states that there were fifty or sixty families at Strawberry Bank.

The earliest inhabitants of Portsmouth were Episcopalians and as such chose Richard Gibson as their parson previous to the grant of the glebe, 1640. Gov. Winthrop says that he was "wholly addicted to the hierarchy and discipline of England and exercised his ministerial function" according to the ritual. Naturally he had no favor with the Puritans of Massachusetts

² Hackett's Portsmouth Records, p. 21.

³ N. H. Prov. Papers, Vol. I, p. 208.

Bay. Gibson did marry and baptize as well as preach at the Isles of Shoals, which, in 1642, were found to be within the jurisdiction of Massachusetts. He also got into controversy with the Rev. Thomas Larkham of Dover, scandalizing the Massachusetts government, denying their title, etc. He was summoned to court in Boston, where he submitted and was discharged without punishment. He left the country soon after. This seems to have put an end to Episcopalianism in New Hampshire, for the next minister called was the Rev. James Parker from Weymouth, Mass. He, too, remained but a brief time, yet long enough to have a religious revival, wherein about forty confessed their sins. "Most of them fell back again in time, embracing this present world." Such is the comment of Gov. Winthrop.⁴

The earliest records of Portsmouth are made up principally of grants of land, the inhabitants voting to themselves individually portions of land that had been granted to Capt. John Mason, and some of the same had been improved at his expense. About 1647 Richard Cutt is found in possession of the Great House. Soon after John Pickering and Ambrose Lane were running saw-mills, the latter on Sagamore Creek. Brian Pendleton was chosen commander of the Train Band in 1652. Ferries were established from the "Rendezvous," at Odiorne's Point, to the Great Island and the Great House, and from Sherburne's Point to the same places. There was also a ferry to Warehouse Point in Kittery, where the first houses in that town were built. William Seavey was treasurer of Strawberry Bank, succeeded by Henry Sherburne. Licenses were granted to sell wine for a small tax paid to the town, five shillings a hogshead for French wines. A fort was built upon the Great Island, commanding the mouth of the Pascataqua. Highways were laid out to Hampton and throughout the town. In 1656 a Mr. Browne was officiating in the pulpit, and in 1658 eighty-six persons subscribed for the maintenance of the minister. Thus the town grew by shipbuilding, trade in lumber and fish, and agriculture. Being the only seaport, its population quickly outgrew that of the other three towns. This fact and its location made it the capital or seat of government of the province in after years.

⁴ Journal, Vol. II, pp. 79, 93.

John Pickering, Richard Cutt, Francis Champernowne, Henry Sherburne, Brian Pendleton, Dr. Reginald Fernald and Samuel Haines were the leading men and officers of the town.

The grant obtained by Edward Hilton of Hilton's Point was soon in the possession of a company of merchants of Bristol and Shrewsbury, England. Captain Thomas Wiggin came over in 1631 as agent of the Bristol company, and the town he founded on Dover Neck was first called Bristol, appearing as such on a map in 1634. Edward Howes wrote from London to Gov. John Winthrop, March 25, 1633, "there are honest men about to buye out the Bristol men's plantation in Pascataqua and do propose to plant there 500 good people before Michelmas next. T. Wiggin is the chief agent therein." And again he wrote, June 22, 1633, "He intends to plant himself and many gracious men there this summer. * * * I have and you all have cause to bless God that you have soe good a neighbour as Capt. Wiggin." Merchants of Bristol owned about two-thirds of the patent and merchants of Shrewberry owned the other third. After about two years the Bristol men sold their share to a company of lords and gentlemen, of whom Lord Say, Lord Brooke, Sir Richard Saltonstall, Sir Arthur Heselrigge, Mr. Willis, Mr. Whiting, Mr. Hewett or Hewell (perhaps Bosville) are named. The patent was divided into twenty-five shares, which were bought and sold as in modern land speculations. Thomas Wiggin continued to be the agent of this company. After a visit to England he returned in the ship *James*, arriving at Salem, Massachusetts, October 10, 1633. Winthrop says that he brought with him "about thirty with one Mr. Leverich, a godly minister to Pascataquack." The names of some of those who came with Wiggin have been gathered from various sources. Among his companions we may safely mention Elder Hatevil Nutter, Richard Pinkham, Thomas Leighton, Richard York, William Williams, William Beard, Thomas Stevenson, Samuel Haines, John Heard, John Dam, George Webb, Philip Chesley, William Pomfret, William Storer, Henry Tibbetts, George Walton, William Furber, and the Rev. William Leveridge, above mentioned. At least all these lived on Dover Neck within a few years of Capt. Wiggin's second arrival, and they were joined, not long after, by Anthony Emery

from Newbury, Mass., Joseph Austin from Hampton, John Tuttle, who came in the *Angel Gabriel* and was wrecked off Pemaquid, Job Clement from Haverhill, Mass., Ralph Hall, John Hall, Philip Cromwell, Capt. John Underhill and the Rev. John Reyner.⁵

It was the design of Capt. Thomas Wiggin to found a city or compact town on Dover Neck, about one mile north from Hilton's Point. Old deeds mention High street and Low street and Dirty Lane. The location was ideal, commanding a view for many miles around. Each settler had a home lot of three or four acres, while out lots, or farms, were assigned by common consent on the shores of Back River and other streams, easily reached by boat. Soon a meeting house was erected on Low street, to be succeeded by a larger one on High street in 1654, used after 1675 as a fortification. Its foundations are well marked and preserved. Not many of the above named settlers lived long upon Dover Neck. Broader acres and better soil were easily found along the rivers and bays, the property of those who got there first. Land was bought of the Indians as early as 1635, according to the testimony of John Ault and Richard York, although no deed of the same is on record. It reached down to Lamprey river, long the disputed boundary between Dover and Exeter.⁶

The Rev. William Leverich, or Leveridge, remained about two years and was then forced to seek a field that promised a better support. The settlers were really too poor to maintain a minister. After his departure came one George Burdett, in 1637, and by vote of some combination for government was chosen governor in place of Capt. Thomas Wiggin. On account of some misdemeanors and unfavorable criticism of the Massachusetts government in correspondence with Archbishop Laud he removed to Agamenticus, now York, Maine, where he secured favor for a little time, till his villainy was discovered. He was convicted in court of adultery and was obliged to return to England and obscurity.

He was succeeded by the Rev. Hansard Knollys, who on his

⁵Dr. Quint's First Parish in Dover and Stackpole's Hist. of Durham, N. H., p. 5.

⁶N. H. Prov. Papers, Vol. I, p. 204.

arrival in December, 1638, organized the first church in Dover. He remained about three years and then returned to England, where he became a Baptist, suffered various persecutions and died at the age of ninety-three. He was reputed as a man of piety, courage and learning, author of twelve books, versed in Latin, Greek and Hebrew. It was just before his pastorate that Capt. John Underhill, having been cast out by Massachusetts, came to Dover Neck and succeeded in getting himself chosen as governor,⁷ which was interpreted by the government of the Bay Colony as an unfriendly act. He had been a soldier in the Netherlands and had served acceptably as an officer in the Pequod war, also as a deputy to the General Court in Boston. But Underhill at Dover was in too small a field for the full exercise of his turbulent spirit. He attempted more than he could perform. The Rev. Thomas Larkham had been called as assistant to Mr. Knollys, and the two ministers did not agree on some small points of doctrine and practice. Dr. Belknap's manuscript church records contain the following bit of ecclesiastical comedy: "The more religious sort adhering to Mr. Knollys, he in their name excommunicated Mr. Larkham, who in turn laid violent hands on Knollys, taking the hat from his head, pretending it was not paid for, but he was so civil as to send it back to him again. In this heat it began to grow to a tumult, and some of the magistrates joined with Mr. Larkham and assembled in company to fetch Capt. Underhill before the court. He also gathered some of their neighbors together to defend themselves and keep the peace, and so marched out to meet Mr. Larkham, one carrying a Bible on a halbud for an ensign, Mr. Knollys being armed with a pistol. When Mr. Larkham saw them thus provided, he withdrew his party and went no farther, but sent down to Mr. Williams, Governor of Strawberry Bank, for assistance, who came up with a company of armed men and beset Mr. Knollys's house, where Capt. Underhill was, kept a guard upon him night and day till they could call a court, and then, Mr. Williams sitting as judge, they found Underhill and his company guilty of riot and set great fines upon them and ordered him and some others to depart out of

⁷ Sept. 6, 1638. "Mr. John Underhill is banished to go out of this jurisdiction within 14 days & not to returne any more."—Records of Mass., Vol. I, p. 237.

the Plantation.⁸ Soon after Underhill made public confession in Boston of his many sins, "with many deep sighs and abundance of tears," and Mr. Larkham left Dover in 1641, returning to England. He had been settled at Northam, near Barnstable, before coming to New England, and so it was probably through his influence that the name of Bristol, first given to Dover, was changed to Northam. This name did not stick long to the settlement. Perhaps some scandalous rumors about Mr. Larkham induced the people to adopt the name Dover for their township, in the year 1642, a name that for many years included not only the present town of Dover, but also Durham, Lee, Madbury, Rollinsford, Somersworth, and parts of Rochester and Newington.

We have recited above a curious instance of peaceable intervention. Perhaps because neither Strawberry Bank nor Northam *alias* Dover was an incorporated or chartered town and local combinations were only friendly neighbors in a region called as a whole Pascataquack, the aid of "Governor" Williams and his supporters was called in to quell a riot. It was a military necessity. The trial was very like that conducted by a drum-head court martial. There was no claim of jurisdiction on the part of Strawberry Bank. In a similar spirit Capt. Thomas Wiggin had before appealed to Massachusetts to try certain offenders whom he had no power to try or to punish, yet the authorities in Massachusetts wanted jurisdiction acknowledged before they complied with Captain Wiggin's request. Governor Williams had more sense and less ambition.

The succeeding ministers of Dover, Daniel Maud, 1643-55, John Reyner, 1655-69, John Reyner, Jr., 1669-76, and John Pike, 1678-1709, were all men of scholarship and piety, graduates of Cambridge University, England, or of Harvard College. They rendered noble service and built up a church that has been the mother of many others, although the meeting house at Dover Neck long since disappeared.

We have seen that the men of Dover collectively bought land of the Indians in 1635. Soon after that date they elected their governor, but what powers were conferred upon him can not now be told. They granted land before the year 1640 to

⁸ Historical Memoranda of Ancient Dover, p. 29.

several men at Oyster River, where Darby Field was in quiet possession of the "Point" earlier than 1639. Thus town business was transacted before there was any formal combination for government. In the Record Office at London has been preserved the original of a Combination of "Inhabitants upon the river Pascataquack," and since it is known that all the signers were men of Dover, it has been called, somewhat inaptly, Dover's Magna Charta. The document reads as follows:—

Whereas sundry mischeifes and inconveniences have befallen us, and more and greater may in regard of want of civill Government, his Gracious Ma'tie having hitherto settled no order for us to our knowledge:

Wee whose names are underwritten being Inhabitants upon the river Pascataquack have voluntarily agreed to combine ourselves into a body politique that we may the more comfortably enjoy the benefit of his Ma'ties Lawes together with all such Orders as shal bee concluded by a major part of the Freemen of our Society in case they bee not repugnant to the Lawes of England and administered in the behalf of his Majesty.

And this we have mutually promised and concluded to do and so to continue till his Excellent Ma'tie shall give other Order concerning us. In witness whereof wee have hereto set our hands the two and twentieth day of October in the sixteenth yeare of our Soverign Lord Charles by the grace of God King of Great Britain France and Ireland Defender of the Faith &c. Annoq Dom. 1640.

JOHN FOLLET
ROBERT NANNEY
WILLIAM JONES
PHILLIP SWADDON
RICHARD PINKHAME
BARTHOLOMEW HUNT
WILLIAM BOWDEN
JOHN WASTILL
JOHN HEARD
JOHN HALL
ABEL CAMOND
HENRY BECK
ROBERT HUGGINS
FRAN: CHAMPERNOON
HANSED KNOWLES
EDWARD COLCORD
HENRY LAHORN
EDWARD STARR
ANTHONY EMERY
WILLIAM POMFRET
GEORGE WEBB

THOM. LARKHAM
RICHARD WALDERN
WILLIAM WALDERN
WILLIAM STORER
WILLIAM FURBER
THOS. LAYTON
THO. ROBERTS
BARTHOLOMEW SMITH
SAMUEL HAINES
JOHN UNDERHILL
PETER GARLAND
JOHN DAM
STEPHEN TEDDAR
JOHN UGROUFE
THOMAS CANNING
JOHN PHILLIPS
THO: DUNSTAR
JAMES NUTE
RICHARD LAHAM
JOHN CROSS
JAMES ROLLINS

Some clerical errors are manifest in this list of signers. Edward Starr is doubtless Elder Edward Starbuck, Tho: Dunstar is probably Thomas Dustin, afterward of Kittery, whose son, Thomas Dustin, settled in Haverhill, Massachusetts. Thomas Canning should be Thomas Canney. Henry Lahorn is probably Henry Langstaff. Hansed Knowles is the Rev. Hansard Knollys. Robert Huggins is Robert Huckins of Oyster River. A few names in this list are otherwise unknown in history. It is noticeable that some, like Champernowne and Furber, signed this combination, although they lived on the south side of Great and Little Bays, then reckoned as a part of Hilton's purchase and so belonging to Dover. On the other hand Darby Field, Ambrose Gibbons, Thomas Stevenson, William Williams and probably others then living on the south side of Oyster River, in what is now Durham, did not sign the combination, since it was then unsettled whether they were living in Northam (Dover) or in Exeter.

Doubtless this Combination, from the year 1640 onward, was an unchartered town and did all the business of a town assessing taxes. This was first done on the seventeenth day of September, 1647, when it was "ordered concluded and agreed upon that the inhabitants of Dover should condescend unto a form of levying rates and assessments for raising of public charges according to an order of court made and held at Boston." William Pomfret was then the recorder, or town clerk. Before this date funds for the maintenance of the ministry and for other expenses may have been raised by voluntary contributions. The rate-list shows fifty-three families in the town, twenty-three of whom lived in Oyster River Plantation. The other settlements were on Dover Neck, about the falls at Cochecho, and along Back River, with a few frontiersmen. The bounds of the town, as determined by commissioners in 1652, were on the southwest Goddard's Creek and thence to the first fall in Lamprey River, at the present village of Newmarket, and thence six miles on a west by northwest line. On the north the boundary line ran from the first fall in the Newichawannock four miles on a north by west line. On the south the line ran from a creek below Thomas Canney's house, on the Pascataqua, to Hogsty Cove near the mouth of Great Bay,

together with the marsh and meadow bordering on Great Bay with convenient by land to set their hay.⁹

The rent of mill sites with privilege of cutting timber on lands adjacent helped to pay the minister's salary. The principal mill-owners were Richard Waldern at Cochecho, Valentine Hill at Oyster River Falls, and Thomas Wiggin and Simon Bradstreet at Quamphegan, where later the Broughtons were owners and managers. Gradually a score or more of small waterfalls were utilized for sawing of boards, shingles and ship timber. Most of those ancient sawmills long ago fell into decay, the streams having dried up in summer in consequence of cutting off the forests, and the power being too little for modern machinery. All the mills in 1653 should have yielded an income of one hundred and twenty-five pounds for the support of public worship. The ministerial tax could be paid in money, beaver, beef, pork, wheat, peas, malt, butter, or cheese, at established prices. A church and parsonage were erected at Oyster River in 1656, about half way between the Falls and the Point, and in 1665 the Rev. Joseph Hull was preaching there, succeeded after a lapse of time by the Rev. John Buss, who served many years both as minister and physician.

Conspicuous among the first settlers of ancient Dover were Captain Thomas Wiggin, leader and governor of the colony on Dover Neck, who later settled in what is now Stratham, became one of the early judges and founded an extensive and well known family; Thomas Roberts, who came with Edward Hilton in 1623, was chosen "President of the Court" in 1640, lived all his life on Dover Neck and died at a good and honored old age about 1674; Elder Hatevil Nutter, occasional preacher and holder of various town offices, whose cellar may be easily seen a few rods north of the site of the church on Dover Neck and on the opposite side of High Street; Edward Starbuck, Elder in the church, Representative in the General Court, charged with heresy and so a man evidently of independent thought, finally settling in Nantucket, where he was the leading magistrate and an esteemed citizen; William Pomfret, recorder, selectman, commissioner and lieutenant; Richard Waldern, or Waldron, mill-owner at Cochecho, Major in the militia, Rep-

⁹ Mass. Archives, 112, 53.

representative to the General Court and Speaker for several years, and Associate Judge in old Norfolk County; Captain Valentine Hill, who had been deacon in the church at Boston, builder of the first mill at Oyster River, Representative several times, whose house was built about 1649 and is still in use, probably the oldest house in New Hampshire; Darby Field, who first explored Mount Washington, in 1642, and brought back a description of the "Chrystal Hills"; Elder William Wentworth, prominent as an officer in the church and town and founder of one of the most distinguished families of New Hampshire; Francis Champernowne, who signed the Dover Combination of 1640 then living on his farm called "Greenland," from which the present town of Greenland took its name. He was of an aristocratic family in Devonshire and nephew of the wife of Sir Ferdinando Gorges. He removed from Greenland to Kittery, Maine, where he was a leading citizen. A heap of stones marks his lonely grave.¹⁰

The Wheelright Deed was a long time in controversy as to its genuineness. It is dated May 17, 1629, and conveys from four sagamores, Passaconaway of Penacook, Runawit of Pentucket, Wahangnonawit of Squamscot, and Rowls of Newichawannock, to the Rev. John Wheelwright, Augustin Story, Thomas Wite, William Wentworth, and Thomas Levitt, all of Massachusetts Bay, a great tract of land lying between the Newichawannock and Pascataqua rivers on the northeast and the Merrimack river on the south.

To begin at Newchewanack ffalls in Piscataqua River aforesd and soe down sd River to the sea and soe up amongst the sea shore to Merrimack River, and soe up along sd River to the falls at Pentucett aforesd and from said Pentucet ffalls upon a North west line twenty English miles into the woods, and from thence to Run upon a Streight Line North East and South West till meete with the main Rivers that Runs down to Pentucket falls and Newchewanack ffalls and ye sd Rivers to be the bounds of sd Lands from the thwart Line or head Line to ye aforesd ffalls.

The deed also included the Isles of Shoals. One condition was that the said John Wheelwright should begin a plantation at Squamscot falls within ten years with a company of English people. The deed is worded and spelled after the manner of

¹⁰ See Tuttle's Historical Papers, pp. 63-124, and Stackpole's Old Kittery and Her Families.

that time and is a very adroit forgery, so much so that it has deceived many and been admitted in courts of law. It is the legal basis on which rests the grant of several townships. It was registered in York County, Maine, in 1713, and in 1719 Col. John Wheelwright of Wells, Maine, sold a township, reciting this deed. It was the original township of Londonderry.

The Hon. James Savage of Boston first elaborately exposed the forgery, and his opinion was endorsed by John Farmer, Esq., of Concord, New Hampshire. Other eminent men have defended the deed and none so fully and ably as the Hon. Charles H. Bell of Exeter, late Governor of New Hampshire. Yet he subsequently discovered that the Rev. John Wheelwright signed a transcript of the parish register of Bilsby, England, on the twenty-fifth of March, 1629, and therefore had not time to come to America and arrange for the purchase of this land about two months later. Moreover, the deed alleges that the grantees were all of Massachusetts Bay, which colony had no existence at that time. The deed is now an unquestioned forgery, and other documents in support of the deed must be pronounced forgeries also, as "The Four Towns Laid Out," dated August 13-20, 1633, (N. H. State Papers, Vol. XXIX, pp. 52-54) and the letter of George Vaughan to Ambrose Gibbons, dated August 20, 1634 (N. H. Prov. Papers, Vol. I, p. 95). The four towns named in the former document had no existence in the year 1629, viz., Northam, Portsmouth, Hampton and Exeter.¹¹

The Rev. John Wheelwright, graduate of the University of Cambridge, was made vicar of Bilsby, co. Lincoln, April 2, 1623, succeeding the Rev. Thomas Storre, whose daughter, Marie, he married in 1621. He himself was succeeded, January 11, 1632, by the Rev. Philip de la Mott, upon presentation by the Crown, said presentation having escheated to the Crown "*per pravitatem simoniae*." The buying or selling of church preferments was a crime in English law. The precise nature of Wheelwright's offense is not known. He had the reputation in England and in several pastorates in New England of being an upright and godly man.¹² He was not "Silenced for nonconformity," nor for the utterance of Puritanical views. In April,

¹¹ Farmer's footnote to Belknap's Hist. of New Hampshire, p. 13.

¹² Proceedings of Mass. Hist. Society, Vol. VIII, pp. 505-517.

1636, he embarked for Boston, landing on the twenty-sixth of May. He had married a second wife, Mary, daughter of Edward Hutchinson of Alford and sister of William Hutchinson, whose wife Anne so much disturbed the ecclesiastical peace of Boston by her sharp distinctions between the covenant of faith and the covenant of works. Mr. Wheelwright sympathized with her views and in his pulpit at Mount Wollaston preached what his opponents called Antinomianism, a word which in theological controversies then lightly concealed as many sins as later did the word Unitarianism and more recently the phrase Higher Criticism. Such words in the mouths of some persons express all manner of dangerous irreligion. Especially in a sermon on a fast day did Mr. Wheelwright intensify opposition, though it would be hard for a charitable and intelligent reader now to find in it anything objectionable. But the Puritans of Massachusetts Bay were determined to tolerate no opposition to their doctrines and church discipline. They had the truth, and all opponents were in dangerous error and must be silenced. They were willing to suffer martyrdom for freedom to worship God according to the dictates of conscience, the only way He can be worshipped, and they were also willing to make martyrs of others for a like adherence to conscientious convictions. Both parties mistook their own faulty reasonings for the voice of God within them. The outcome of the controversy was that Mr. Wheelwright was banished and of necessity was constrained to find an abode in some wilderness. So he went to the falls of the Squamscot, beyond, as he then supposed, the jurisdiction of Massachusetts, and took with him some who had been his parishioners at Bilsby and at Mount Wollaston, together with some sympathizers from Boston. These had been previously disarmed by order of the court, fearing some fanatical outbreak. Wheelwright spent the winter on the banks of the Squamscot. On the third day of April, 1638, he and others took two deeds from the sagamore Wehanownowit. In the first deed the grantees are John Wheelwright, Samuel Hutchinson and Augustine Stor of Boston, Edward Colcord and Darby Field of Pascataqua, John Compton of Roxbury and Nicholas Needham of Mount Wollaston; in the second deed the grantees are only John Wheelwright of Pascataqua and Augustine Storr of Boston. In the first deed the witnesses are James Wall, James

his marke, William Cole and Lawrence Cowpland; in the second deed the witnesses are James Aspamabough, his marke, Edward Colcord, Nicholas Needham and William Furber, and the deed is signed by Wehanownowit and his son Pummaddockyon. The first deed conveys land reaching from the Merrimack to Oyster River, bounded on the southeast by the patents of Pascataqua; the second deed conveys a tract of land thirty miles square, "situate within three miles on the Northerne side of ye river Meremake extending thirty miles along by the river from the sea side, & from the sayd river side to Pischataqua patents thirty miles up into the countrey North West, & soe from the ffalls of Pischataqua to Oyster River thirty miles square ev'y way." The boundaries are not well stated in either deed. The second one is indorsed by the sagamore Watohantowet, April 10, 1639, and extends the northern boundary to one English mile on the east side of Oyster River. Apparently the second deed is an afterthought and though dated the same day as the first was not drawn up and executed till later. Suspicion is awakened whether this second deed is genuine. Why is it made to only John Wheelwright and his brother-in-law, Augustine Storr, while five other names of grantees in the first deed are omitted? Why is it made to include Winnacunnet, or Hampton, except for the purpose of laying a basis for a claim to that tract of land, which claim was made the following year by Wheelwright against the claim of Massachusetts? Why so careful to state in the second deed the limit of the jurisdiction of Massachusetts, three miles north of the Merrimack? These are afterthoughts that could hardly have occurred to John Wheelwright the same day that he received the first deed. The fact that the so called Wheelwright deed of 1629 is now an admitted forgery may throw some light on this second deed of April 3, 1638.¹³

A church was organized in Exeter the same year, December, 1638, of persons dismissed from the church in Boston, to which some female members were added the following year. It was located on what was afterward called "Meeting House Hill."

The name Exeter was given to the town and on the fourth day of the fifth month, 1639, it formed a combination for government, a democratic republic, without authority from outside, subject only to God and the King of England:

¹³ See Appendix B.

Whereas it hath pleased the lord to moue the heart of our Dread Sovereigne Charles, by the grace of God King of England, Scotland, France & Ireland, to grant license & liberty to sundry of his subjects to plant themselves in the westernne partes of America: Wee, his loyall subjects, brethren of the church of Exeter, situate & lying upon the river of Piscataquacke, wth other inhabitants there, considering wth our selves the holy will of god and our owne necessity that we should not liue without wholesome lawes & ciuil governmet amongst us, of wch we are altogether destitute, doe in the name of Christ & in the sight of God combine our selves together to erect & set up amongst us such Government as shal be, to our best discerning, agreeable to the will of god; professing ourselves subjects to our Sovereigne Lord King Charles, according to the libertys of our English Colony of the Massachusetts & binding our selves solemnely by the grace & helpe of christ & in his name & feare to submit our selves to such godly and christian laws as are established in the Realme of England to our best knowledge & to all other such lawes wch shall upon good grounds be made & inacted amongst us according to god, yt we may liue quietly & peaceably together in all godliness and harmony.

Mon., 5th d. 4th, 1639.

JOHN WHELEWRIGHT
 AUGUSTINE STORRE
 THOMAS WIGHT
 WILLIAM WENTWORTH
 HENRY ELKINS
 GEORGE X WALTON
 SAMUELL WALKER
 THOMAS PETTIT
 RALLF HALL
 ROBERT X SEWARD
 RICHARD BULGAR
 CHRISTOPHER LAWSON
 GEORGE X BARLOW
 RICHARD MORIS
 NICHOLAS NEEDHAM
 THOMAS WILSON
 GEORGE X RUOBONE
 HENRY ROBY

WILLIAM WENBOURNE
 THOMAS X CRAWLEY
 CHR. HELME
 DARBY X FFEILD
 ROBERT X READ
 EDWARD RISHWORTH
 FFRANCIS X MATHEWS
 WILLIAM X COOLE
 JAMES X WALLIS
 THOMAS LEVITT
 EDMOND LITTLEFEELD
 JOHN X CRAME
 GODFREYE X DEARBORNE
 PHILEMON PORMOTT
 THOMAS WARDELL
 WILLIAM X WARDELL
 ROBERT X SMITH

Of those who signed this Combination it is known that John Cram, Godfrey Dearborn, George Rabone or Haburne, Thomas Wight and William Wentworth came from Mr. Wheelwright's old parish in England, Bilsby, as also did Balthazar Willix, an early inhabitant of Exeter. Wentworth, Lawson and Helme were cousins, and they were related by marriage to Wheelwright. Those in the above list who are indicated thus X made

their mark. Darby Field and Francis Matthews were living at Oyster River Point, then claimed as a part of Exeter.¹⁴

The little colony grew rapidly. Wholesome laws regulated treatment of the Indians, to whom it was prohibited to sell weapons, powder and fire-water. A local court was established, and justice and fraternity were the guiding principles. Two political parties quickly arose. Those especially who came later than 1639 were in favor of union with Massachusetts, and in the petition to that effect only three signed it who were of the original Combination. In consequence of the union of New Hampshire with Massachusetts Mr. Wheelwright and some of his trusty followers left Exeter and made a settlement in Wells, Maine. Among those who accompanied him in the spring of 1643 were Edward Rishworth and Edmond Littlefield. Not long afterward Mr. Wheelwright made peace with the government of Massachusetts and was permitted to return to that colony. He served as pastor of the churches at Hampton and Salisbury with unusual acceptability, meanwhile making an extended visit to his old home in England and publishing some vindication of himself. He was familiarly acquainted with Oliver Cromwell and Sir Henry Vane. He died of apoplexy, November 15, 1679, at the age of eighty-seven, and was buried in the graveyard in the east village of Salisbury, Massachusetts. History must rank him among the wise, courageous and forceful leaders in the earliest colonization of New England.

After the departure of the Rev. John Wheelwright from Exeter a call was extended to the Rev. Stephen Bachiler, who had been dismissed from Hampton, but the General Court of Massachusetts told the people of Exeter in substance that because of divisions among them they were not fit to establish a church and select a minister, counseling delay. The Rev. Thomas Rashleigh officiated as minister about one year and it is probable that for some time Elder Hatevil Nutter went over regularly from Dover Neck to conduct religious services at Exeter. In 1650 the Rev. Samuel Dudley, son of Gov. Thomas Dudley of Massachusetts, was installed as minister at Exeter, where he remained many years and by three marriages was the father of fifteen children.

¹⁴ N. E. Reg. for 1914, pp. 64-80, and Wentworth Genealogy, Vol. I, pp. 71-78.

It is worthy of notice that Exeter differed from the other towns of early New Hampshire in this, that it was as distinctly a religious community at the beginning as was the Mayflower colony at Plymouth. The first settlers went to the falls of the Squamscot because of religious convictions. They were actually driven out of Boston and vicinity in the same spirit in which Baptists and Quakers were persecuted later. The oaths taken by the Elders and the people in 1639 at Exeter, in which they solemnly pledge themselves to live in accordance with the will and word of God, ministering justice to workers of iniquity and lending encouragement to well doers, with no restrictions as to what creeds men might adopt or what forms of worship they should maintain, indicate a liberality little known and practiced in Massachusetts at that time. The hardships of persecution were too fresh in their memories to allow them to become persecutors of others. The oath taken by the people was as follows:—

Wee doe here sweare by the Great and dreadful name of ye high God, maker & Governr of Heaven & earth and by the Lord Jesus Xt ye King & Savior of his people that in his name and fear we will submit ourselves to be ruld & governed according to the will and word of God and such holosome Laws & ordinances as shall be derived theire from by our honrd Rulers and ye Lawfull assistance with the consent of ye people and yt we will be ready to assist them by the help of God in the administraction of Justice and prservacon of peace with our bodys and goods and best endeavors according to God, so God protect & saue us and ours in Christ Jesus.

Here is an infant Christian democracy, based upon the teachings of the Bible. The very first settlers of Exeter seem to have been of one heart and mind. Only a few years later dissensions arose, perhaps because other settlers had come in who were of a different spirit and some of the original leaders had gone elsewhere, perhaps because the lust for land and wealth can change the character of a community in a very short time, making them grasping, uncharitable, and sticklers for religious creeds and forms. The same thing happened among the Puritans of Massachusetts, and this sort of history has been repeating itself from the beginning. The church that has become rich and powerful and feels that it alone has the whole truth and is in need of nothing usually lacks about everything that pertains to a true Christian church. Material gains are placed above the freedom of the human spirit.

Like all the original townships the territory of Exeter was too large for the convenience of its inhabitants, when the town came to be widely and thickly populated. First the Squamscot Patent, that had been rated with Hampton and then with Exeter, became a town in 1716, under the name of Stratham. Newmarket was severed in 1727, from which South Newmarket was later divided. Epping was taken from Exeter in 1741, and Brentwood in 1742, from which the western part was divided in 1764 under the name of Poplin, changed in 1854 to Fremont.

Exeter had considerably more than one hundred families before 1680, and some of them have been prominent in the history of the town. Gilman, Dudley, Wadleigh, Folsom, Hall, Gordon, Ladd, Robinson, Thing, are names of families well known, all of which have furnished honored representatives.

The General Court of Massachusetts, under date of March 3, 1638, passed the following order, "That there shall be a plantacon setled at Wenicunnett & that Mr. Dummer & Mr. John Spencer shall have power to presse men to builde a house forthwith, in some convenient place, & what money they lay out aboute it shall be repaide them againe out of the tresury, or by those that come to inhabit there." Accordingly a house was built, probably within the limits of the present town of Seabrook, "three large miles" north of the Merrimack river. This was afterward called the Bound House, and it was asserted that at that time Massachusetts claimed only to that limit, but the above cited record shows that the house was erected only as a mark of possession of Winnacunnet, for Massachusetts before that date had set up a claim for all the land covered by Mason's patents. The Bound House¹⁵ was never intended as a boundary mark between New Hampshire and Massachusetts. They who wanted to establish such a divisional line gave the name to the house. It is said to have been built by Nicholas Easton, who later removed to Newport and built the first house there and became governor of Rhode Island. In September, 1638, the Court granted permission to begin a settlement at Winnacunnet to the following petitioners, viz., Rev. Stephen Bachiler, Chris-

¹⁵ "Asa W. Brown of Kensington, who has spent a great deal of time in looking up the early history of this section, located it on the high ground about fifty rods northwest from the old Perkins tide mill."—Hazlett's Hist. of Rockingham County, p. 473.

topher Hussey, widow Mary Hussey, Thomas Cromwell, Samuel Skullard, John Osgood, John Crosse, Samuel Greenfield, John Moulton, Thomas Moulton, William Estow, William Palmer, William Sergeant, Richard Swayne, William Sanders, Robert Tuck and diverse others. The settlers went by shallop and begun the settlement October 14, 1638. The following year the Rev. Timothy Dalton became associate pastor with the Rev. Stephen Bachiler, and Winnacunnet was granted town privileges, or incorporated. The next year the Indian name was given up and Hampton became the name of the town, suggested, it is thought, by Mr. Bachiler. The people of Exeter protested in vain against this encroachment upon lands they had bought of the sagamores. The Court at Boston ruled that Indians could sell only lands that they had improved, and that Massachusetts had begun a settlement at Winnacunnet before Wheelwright and his company went to Exeter. No practical difficulties arose, and the relations between the two towns were friendly. Small lots of ten acres and less were granted to the first settlers, around the meeting house green and along the road therefrom to the landing on Hampton river. These were home lots, and farms of many acres were allotted here and there as need and merit demanded. The two ministers had three hundred acres apiece. John Cross and John Moulton, the two first representatives to the General Court, had two hundred and fifty acres apiece, and Christopher Hussey, son-in-law of Mr. Bachiler, had the same number. These, then, were the big men of the town. To him that hath shall be given. The town stretched along the coast from Colchester, the earliest name of Salisbury, to the southern part of Pascataqua, now known as Rye, and inland about thirty miles. Its original limits included the present towns of Hampton, North Hampton, Hampton Falls, a part of Seabrook, Kingston, East Kingston, Kensington, Danville, and a part of Sandown. The towns of Newton and South Hampton afterward came within the limits of Hampton, when the line was fixed between New Hampshire and Massachusetts.

The Rev. Stephen Bachiler deserves notice as the founder of this town. He was born in England about 1561, went to Holland as a dissenter, came to Boston in 1632 and settled at Lynn as minister. He was the minister at Hampton from 1638 to 1641, when he was excommunicated from the church, but he

was restored two years later. We have noticed his call to Exeter at this time. He went to live at Portsmouth in 1647 and a few years later sailed for England, where he died at the age of one hundred. He was thrice married, his last wife, Mary, being widow of Robert Beadle of Kittery, Maine. He sued for divorce from her and failed to obtain it. She later got divorced from him and married Thomas Turner. Several children were born to him in England, and their descendants are many in America, but his daughter by his third marriage, Mary, who married William Richards of Portsmouth, has been overlooked in the genealogy of his descendants. He was evidently a man of learning, leadership and popular gifts as a minister. To found a town in a wilderness requires greater abilities than to sit idly on an inherited throne.¹⁶

The settlers of the first four towns believed emphatically in home rule. Their Combinations were mutual consents to self-government. They were in effect little democratic republics, electing their own rulers and making their own laws. They were guided by the known laws and customs of England, adapted to new conditions. In their legislation they tried to express what seemed to the majority to be right. Nothing was done arbitrarily and in the spirit of tyranny. Yet their power was limited and some bold spirits defied their authority. They feared to try capital cases and appealed to Massachusetts to punish some offenders. At least this was the case in Dover, although Captain Thomas Wiggin was politically a Puritan and leaned toward the jurisdiction of the Bay Colony. He may have taken this course as a step toward union therewith. It is certain that the authorities in Boston felt that they had a trustworthy friend in Captain Wiggin and that he would do all in his power to get their claims recognized.

¹⁶Dow's Hist. of Hampton, the Bachiler Genealogy, and N. H. Probate Records, Vol. I, p. 141.

Chapter III

NEW HAMPSHIRE ABSORBED BY MASSACHUSETTS

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Boundary Line—Extravagant Claims of Massachusetts—Union under Puritan Rule—Early Magistrates—Appeal of the Discontented to Commissioners—Some Desire Union with Maine—Humble Address of Massachusetts to the King—Report of Commissioners—Exclusiveness of the Puritans—Persecutions of Quakers—Their Doctrine of the Inner Light—Intolerance of Massachusetts—"Cursed Sect of Hereticks"—Major Waldern's Sentence of Quaker Women—Flogged at the Tail of a Cart—Rescued at Salisbury by Walter Barefoot—Quakeresses Dragged through Snow and Water—Alice Ambrose and Ann Coleman Invincible—Edward Wharton before Judge Wiggin—The Noble Army of Martyrs Found an Enduring Church—Norfolk County—Trials for Witchcraft—Scotchmen Sent by Oliver Cromwell from Dunbar and Worcester—Rev. Joshua Moody—Death of Capt. John Mason—Efforts of His Heirs to Sell the Province—Edward Randolph Hated by Massachusetts—Territorial Claims of the Puritans Disallowed—New Hampshire Free.

JOHN WINTHROP wrote in his Journal, October 11, 1638, "Capt. Wiggin of Pascataquack wrote to the Governor, that one of his people had stabbed another and desired he might be tried in the Bay if the party died. The Governor answered that if Pascataquack lay within their limits (as it was supposed), they would try him." Thus early had the men of Massachusetts Bay begun to claim more than belonged to them. Their charter gave them all those lands "which lie and be within the space of three English miles to the northward of the said river, called Monomack, *alias* Merrimack, or to the northward of any and every part thereof." When this charter was given, March 4, 1628-9, nobody doubted that the Merrimack river followed a west to east course. The grantees expected nothing more than the land that extended three miles to the north of the mouth of the river. When explorers learned that the Merrimack changed its course and ran far to the northward, avaricious land-grabbers and ambitious founders of a State saw an opportunity to enlarge their borders and gain extended territory. The claim grew till lands three miles north of the Merrimack came to mean all lands

east of the Merrimack and also all lands west of the Merrimack, even to the Pacific ocean. No formal statement of their claim was made till the 31st of the 3rd month, 1652, when the General Court made this record,—“on Perusal of our charter it was this day voted by the whole Court, that the extent of the line is to be from the northermost part of ye River Merrimack & three miles more north, where it is to be found, be it an hundred miles, more or less, from the sea, & thence upon a streyght line east & west, to each sea, & this to be the true interpretation of the termes of the lymitt northward graunted in the patent.” Accordingly Captain Simon Willard and Captain Edward Johnson were appointed commissioners to determine the most northerly part of the Merrimack. They employed John Sherman of Watertown and Jonathan Ince, a student in Harvard college, to make the survey. These went into the wilderness and found an outlet of Lake Winnepiseogee that flows into the Merrimack and selected a small island in the channel of the Weirs as the most northern part of the river, in latitude fifty-three degrees, forty minutes and twelve seconds. Here an inscribed rock has been found, called the Endicott Rock, having thereon the name of Governor John Endicott and the initials of the commissioners. A great blunder was made in not following up the other branch of the Merrimack and tracing the Pemigewasset up into the mountains of Franconia. Thus just as valid a claim could have been made to a greatly enlarged territory, but the wilderness was unexplored and the surveyors seemed satisfied with what could be easily reached. They determined the latitude August 1, 1652. Two years later Samuel Andrews and Jonathan Clarke of Cambridge, Massachusetts, were commissioned to determine the eastern end of the imaginary line on the northern boundary, and on the thirteenth day of October, 1654, they found it on the northernmost point of Upper Clapboard Island, about a quarter of a mile from the mainland, in Casco Bay, about four or five miles to the northward of Mr. Mackworth’s house.¹

We have seen that the government of Massachusetts had already claimed and settled Hampton under this interpretation of their charter and had also claimed Exeter and thereby driven Mr. Wheelwright and some of his followers out of that town,

¹ Records of Mass., Vol. III, pp. 274, 362.

after they had bought it of sagamores and settled in it. The commissioners of 1652 and 1654 swept in all of New Hampshire then known and nearly all of the settled portions of Maine, which at that time they were persuading to voluntarily submit to their government, whereas their charter gave them no power to extend their jurisdiction even at the request of towns or combinations of settlers. It seems as though from the very beginning the leaders in Massachusetts were planning an extensive and independent dominion, under the forms of a republic and the virtual control of a religious aristocracy. The hope and plan of the General Court are but lightly concealed in the following record, dated March 13, 1638-9, "Ordered that letters should be written to Capt. Wiggin, Capt. Champernowne, Mr. Williams, Mr. Edward Hilton, Mr. Treworthy & their neighbors, and Mr. Bartholomew to carry the same & have instructions." These were the leading men of Dover, Strawberry Bank and Exeter.²

In 1639 a committee from Dover was sent to the General Court at Boston, proposing that Dover come under the jurisdiction of Massachusetts. In fact the record says that there were three committees from Dover. It was the time when there were as many parties squabbling about affairs of town and church. The offer of these committees was eagerly accepted, and on the fifth of November the Deputy Governor, Emmanuel Downing and Captain Edmond Gibbons were appointed a committee to treat with the men from Dover, with whom they did agree. After a year or more of agitation the patentees, who had bought out the men of Bristol and had held the so called Squamscot Patent ten years, transferred their rights, or "passed a grant" of Dover and other tracts of land upon the river Pascataqua to the General Court, "to be forever annexed to this jurisdiction." This was done because the inhabitants residing within the limits of said grant had complained repeatedly "of the want of some good government amongst them and desired some help in this particular from the jurisdiction of the Massachusetts Bay, whereby they may be ruled and ordered according unto God both in church and commonweal, and for the avoiding such insufferable disorders whereby God hath been much dishonored amongst us." This reads as though the sole intent of the parties

² Records of Mass., Vol. I, p. 254.

seeking this union were the greater glory of God and the blessings of firm and stable government. The longing for territorial enlargement is not mentioned, nor the Puritan's desire of rule. The gentlemen who made the transfer were George Willis, Robert Saltonstall, William Whiting, Edward Holliock, and Thomas Makepeace. These acted in behalf of the rest of the patentees. They transferred only the "power of jurisdiction or government," and they had no such power to transfer, for the courts of England afterward decided that the lands had been granted to Captain John Mason and that he and his heirs had no power of jurisdiction. The agreement was that the inhabitants on the Pascataqua should be ruled and ordered and have such liberties as other freemen of the Massachusetts government, and that they should have a court of justice with the same power as the courts at Salem and Ipswich had. The right to all the land on the south side of the Pascataqua and to one third of the land in the Dover part of the patent remained with the patentees. The record reads as though there were two distinct patents, while in fact the lands north and south of the river were originally included in one patent.

Meanwhile the inhabitants of Strawberry Bank had expressed their desire to come under the jurisdiction of Massachusetts, as Hampton had been from the beginning of its settlement, and on the ninth day of the eighth month, 1641, the General Court formally took under its government the whole region west of the Pascataqua, except Exeter. That town formally came under the agreement in 1643. The inhabitants were to have all the rights and privileges that belonged to the people of Massachusetts. They were also to have their own courts and to be exempt from all taxes except those levied for their own particular benefit. They were to continue to fish, plant and fell timber as before. Commissioners from Massachusetts were sent to the court at Pascataqua to agree with the people about the appointment of magistrates, and those selected were Francis Williams, Thomas Wannerton and Ambrose Gibbons of Portsmouth, Edward Hilton and Thomas Wigginn of Squamscot, and William Waldron of Cochecho. In 1642 an important article was added to the agreement, that "all the present inhabitants of Pascataquack, who formerly were free there, shall have liberty

of freemen in their severall towns to manage al their town affairs & shall each town send a deputy to the General Court, though they be not at present Church members." The same privilege was accorded to the people of Maine in 1652. This concession to popular rights was not made in Massachusetts for a long time after, and there church and state were virtually one.

There were many who did not relish the jurisdiction of Massachusetts, especially those who were of the Church of England. The Puritan ministers that came down from Harvard college did not administer the sacraments without question to all applicants and in the manner desired. When commissioners were sent from England, in 1665, to inquire into the causes of dissensions and discontent in Maine and New Hampshire, petitioners from the four towns and especially from Portsmouth told the commissioners in writing, that "five or six of the richest men of this parish have ruled, swaied and ordered all officers, both civil and military, at their pleasure. None of your honor's petitioners, though loyal subjects and some of them well acquainted with the laws of England, durst make any opposition for fear of great fines or long imprisonment." They even state plainly who the five or six rich oppressors and autocrats were, namely, Mr. Joshua Moody, the minister of the parish, who was much interested and very influential in politics, Richard Cutt, John Cutt, Elias Styleman, Nathaniel Fryer and Bryan Pendleton. There can be no doubt that their charges were true. A little coterie of rich merchants of Portsmouth were the political bosses of the time, and it continued to be so for many years. Indeed this perversion of popular government has spread and increased down through the generations since. The education of the masses seems to be the only remedy. The petitioners go on to say that they have been kept under hard servitude, having been denied the Common Prayer Sacraments and decent burial of the dead, contrary to the laws of England and his Majesty's letter sent by Simon Bradstreet and John Norton in the year 1662. They further charge that the above mentioned offenders had kept possession of the offices and thus held in their power the distribution of land, whereby they had obtained large tracts of the best land and disowned grants made to others. Here was a

political and economic contest between Puritans and Churchmen. Among the signers of this petition are found some of the most prominent and honored names of the colonists, such as Francis Champernowne, Abraham Corbet who was imprisoned for his opposition, John Pickering, John Sherburne, Mark Hunking, George Walton, Joseph Atkinson and Samuel Fernald. Thirty-two men of Portsmouth signed this petition. At about the same time another petition was addressed to the king, declaring that the authorities of Massachusetts had hindered the work of the commissioners and imploring that the towns of New Hampshire be joined to the province of Maine and brought under royal protection. This petition was signed by sixty-one persons, including many of the names given above and also John Folsom of Exeter, Robert Burnham and twelve others of Oyster River, Thomas Roberts, Ralph Twombly, Thomas Hanson and others of Dover. There were no signers from Hampton, that town having been settled by Massachusetts people.³

In 1667 Nicholas Shapleigh of Kittery, agent for the heirs of Captain John Mason, wrote to his patron that Captain Richard Walderne and Peter Coffin of Dover and some others urged the inhabitants to stick to the government of Massachusetts because they themselves had obtained great tracts of land and in the best places within Mason's patent. He, too, desired the union of Maine and New Hampshire and suggested the names of some who would be excellent councilors, modestly including his own name, such as Henry Jocelyn, Nicholas Shapleigh, Captain Francis Champernowne, Edward Hilton, Abraham Corbett and Thomas Footman. The last was an obscure man of Oyster River; the rest were well known opponents of the ambitious plans of the Massachusetts government.

In 1664 Massachusetts sent an obsequious address to the king, in which they speak of themselves as "poor subjects, who have removed themselves into a remote corner of the earth to enjoy peace with God and man." They say that "the high place you sustain on earth doth number you here among the gods," and therefore they implore him "to imitate the God of heaven, in being ready to maintain the cause of the afflicted and the right of the poor and to receive their cries and addresses to that end."

³ N. H. State Papers, XVII, pp. 510-513.

"The allknowing God knows our greatest ambition is to live a poor and quiet life, in a corner of the world, without offence to God and man. Wee came not into this wilderness to seeke great things to ourselves, and if any come after us to seeke them heere they will be disappointed. Wee keep ourselves within our line and meddle not with matters abroad; a just dependence upon and subjection to your Majestie according to our Charter, it is far from our hearts to disacknowledge." All this was intended as a sop to Cerberus, for they anticipated that the report of the commissioners above referred to would be to the disadvantage of Massachusetts, being well aware of the criticisms and complaints of many in other colonies against them. The commissioners were Colonel Richard Nicolls, Sir Robert Carr, George Cartwright and Samuel Maverick. The last had formerly lived at Noddle's Island, now East Boston, having come there some years before the arrival of Winthrop's fleet of emigrants. He knew the country well and the spirit of the people. Whatever had been the original purpose of the first emigrants to Massachusetts, before 1665 there had arisen a spirit of independence, political ambition, exclusiveness in matters religious, and longing to increase their territory.

The report of the commissioners is highly interesting. Carr, Cartwright and Maverick visited Portsmouth and the province of Maine. They gathered facts and opinions; then they freed their minds to the governor and council of Massachusetts, under date of July 16, 1665. They assert that the Bound-House, three large miles north of the Merrimack river, determines the northern limit of the Massachusetts Bay Colony and answers all the false and fraudulent expositions of their charter. The people of that colony are cautioned not to be so much misled by the spirit of independency. "The King did not grant away his Soveraigntie over to you when he made you a Corporation. When his Majestie gave you power to make wholesome laws and to administer justice by them, he parted not with his right of judging whether those laws were wholesome, or whether justice was administered accordingly or no. When his Majestie gave you authority over such of his subjects as lived within the limits of your jurisdiction, he made them not your subjects nor you their supream authority. That prerogative certainly his Majestie reserved for himself, and this certainly you might

have seen, if ambition and covetousness, or something as ill, had not darkened both your eyes." Then the governor and council are exhorted to clear themselves of "those many injustices, oppressions, violences and blood, for which you are complained against," and the conclusion is a home thrust at the pretended superior godliness of the people of the Bay. "Remember we pray you that you profess yourselves to be christians and pretend to be of the best sort. Pray make it appear that you are so, by your obedience to the King's authority, by your peaceableness towards your neighbors, and by your justice amongst yourselves, which are christian virtues, that men may see your good works and then &c."

It seems that even so early in the history of New England corporations assumed to themselves more powers and privileges than rightly belonged to them and needed to be reminded of their limitations. In every age those dressed in a little brief authority are too much inclined to act in an arbitrary and tyrannical manner. Since the corporation has no soul, its members sometimes forget that they have souls and hence feel little sense of moral accountability. At that time their authority was all derived from the king, who might retract the powers conferred; now the people, the common folks, confer authority upon delegated representatives. Officials and corporations are the servants of the people who elected and made them, and public opinion often reminds such servants that they are not absolutely independent. They must serve the King.

That the commissioners were not alone nor unduly prejudiced in their judgment of the usurpations and offences of the rulers of Massachusetts is shown in a letter of Sir Richard Saltonstall to the Rev. Mr. Cotton. "It doth not a little grieve my spirit to heare what sad things are reported daily of your tyranny and persecutions in New England, as that you fyne, whip, and imprison men for their consciences." Their laws were based upon the Mosaic code, framed and interpreted by the ministers of the church, whose power was as great and as severely exercised as was that of John Calvin at Geneva. The largest ingredient of their zeal for God was love of authority. Loyalty to truth meant to them the forcing of their religious beliefs and practices upon others. The commissioners wrote home to England, "They will not admit any who is not a mem-

ber of their church to the communion nor their children to baptism, yet they will marry their children to those whom they will not admit to baptism, if they be rich. * * * Those whom they will not admit to the communion they compel to come to their sermons by forcing from them five shillings for every neglect; yet these men thought their own paying of one shilling for not coming to prayer in England was an insupportable tyranny. * * * They convert Indians by hiring them to come and hear sermons, by teaching them not to obey their heathen Sachems, and by appointing rulers amongst them, over tens, twenties, fifties, &c. The lives, manners and habits of those whom they say are converted cannot be distinguished from those who are not, except it be by being hired to hear sermons, which the more generous natives scorn."

Such criticisms were made by wise, candid and just men, who knew well the spirit and practices of the ministers of Massachusetts and their followers. Those who sternly adhere to the letter that killeth work all the more mischief because they are conscientiously wrong. Their reverence for outgrown authorities and commandments of men hinder them from the exercise of charity and independent thinking. Though persecutions and martyrdoms could not crush out the religious convictions of the Puritans, called heresy by the ruling church in England, yet they knew no better way of saving their neighbors from being heretics of another class. Hence Antinomians, Baptists, Quakers and witches were banished, flogged, imprisoned, or hanged. Such Puritans deserve to be ranked with Saul of Tarsus rather than with Paul the Apostle.

The most conspicuous illustration of the bigotry, cruelty and spiritual blindness of the rulers in Massachusetts was their treatment of members of the Society of Friends, called Quakers, for which many apologies have been written. The accusations of the oppressors have been received by some recent writers as evidence of face value against the spirit and conduct of the Quakers. Indeed by some it is made to appear that the Quakers were the real persecutors and that they ought not to have come across the Atlantic to disturb the Puritans in their worship and government, forgetting that four-fifths of the Quakers, who were whipped, banished and hanged, had been for years worthy

and peaceable citizens of Massachusetts. Yet it is asserted that the Quakers were not punished for their heresy, or differences in religious belief, but for disturbing and threatening the peace of the communities in which they lived and for speaking evil of magistrates and ministers. Nothing could be farther from the truth. Their writings of that time, their court examinations, their preserved letters and petitions, all breathe the spirit of charity, fortitude, forgiveness and christian forbearance. They felt that they were suffering and dying for the truth of the living God, with whom they lived in abiding communion. None but their bitter enemies spoke evil of them. There were two or three Quaker women, who manifestly were driven to insanity by persecutions of themselves or of others and committed offences against public decency by appearing naked in the streets, for which they should have been sent to a hospital. No violation of moral law is laid to their charge. They believed somewhat differently from the ministers of the standing order. Their modes of worship were different from those of Congregational churches. Their speech and manners were odd, as judged by customary etiquette. Therefore more than four thousand of them suffered imprisonment in England, three were hanged on Boston Common, women were stripped to the waist and beaten at the cart's tail from town to town, three had an ear cut off, scores were whipped with a threefold knotted whip, and every blow was meant to "kiss the bone," as one writer says. Others were thrown into prison in the dead of winter, without bed or covering, and kept without food for three and five days. Some with their backs bleeding were driven into the wilderness and left to the mercy of wild beasts. By heavy fines some were robbed of all their property, reduced to poverty and then banished from the colony. Two children of the Southwick family of Salem were sold into slavery after that their parents had been driven to death by persecution,—sold as slaves because they had no means left of paying unjust fines. Not only the Quakers themselves but also those who showed to them any kindness, hospitably sheltered them for a night, attended their religious services, or spoke in their defence, were fined and whipped. The spirit and methods were those of the Spanish inquisition, although we do not read of the use of racks, thumbscrews and gridirons. The three-knotted and three-fold lash, added to cold

and hunger, were enough to vent the rage of clerical inquisitors and, as they hoped, repress and prevent further heresy.

And what was the heresy taught by these peaceful and pious Friends? Their fundamental teaching was the doctrine of the Inner Light, by which they meant the spirit of God in the spirit of man is the ultimate test of truth. No external authority of men can be substituted for the revelation and inspiration of the divine Spirit within. The sacred Scriptures are indeed the record of a revelation gradually perceived, but their truths must be re-revealed to the soul of the individual believer. In other words, as the Hebrew prophets foretold, all must be directly taught of God. This is now admitted by the best religious philosophers of all Protestantism to be the fundamental principle of true religion.⁴ Thus the Quakers were in religious philosophy two centuries in advance of New England Congregationalism, because they were guided by the Inner Light rather than by twisted interpretations of imperfect records. Conscientious religionists have never been persecuted for their sins and follies; it has always been for their truths and virtues. It is the genuine prophet that gets sawn asunder, or forced to hide in the dens and caves of the earth. History has demonstrated that the persecutor of the conscientious has been wrong in mind as well as in heart. The simple-hearted piety of the early Quakeress was more than a match, in the intellectual field, for the pretended wisdom of the graduates of Cambridge, Oxford and Harvard. It is the pure in heart that see the things divine.

Yet the principle for which Protestantism contended, the right of private judgment, was implied in the Quaker doctrine of the Inner Light. The Puritan divines contradicted their own doctrine and history in their failure to tolerate and treat kindly those who differed from them in religious beliefs and practices. By their unchristian tempers, words and deeds, by their cruelty and injustice, by their narrowness and egotism they presented a contrast to the spirit and conduct of the Pentecostal disciples of Jesus. Excuses for their doings, by clerical pettifoggery, have been found in the ancient laws and practices of the Hebrews and in the twisted sayings of Saint Paul, but surely nobody could

⁴ See Prof. Sabatier's *Religions of Authority and the Religion of the Spirit*.

ever appeal to Jesus for justification of the spirit and conduct of Governor Endicott, the Rev. John Norton and the General Court of Massachusetts in their treatment of the Quakers. Neither can the comparative ignorance of the times, nor the faults of the age, excuse them. There were many who denounced them then. Even the mob was feared, lest common humane sentiment might rescue prisoners out of their bloody hands. One hundred armed soldiers guarded to the gallows those who were hanged on Boston Common.

It is true that the Inner Light of the individual was sometimes opposed to the common sense of the many, and so it needed to be brought for regulation to the judgment of the wise and good. The Quakers never maintained the infallibility of private judgment nor scorned the advice of the sincere and holy. They learned from one another as well as from the Spirit of Truth. They sought the concurrent opinion of all those who gave evidence of being divinely guided and in the impartial court of collective and consecrated human wisdom they found their final authority in religion. To seek it elsewhere has always proved to be vain and harmful. The Puritan divines found their final authority in a collection of sacred books, of which they thought themselves to be the proper interpreters, and they suffered no appeal from their decisions. The Bible to them was absolutely infallible, and they were the divinely appointed expositors of its truths. Their claim was not much different in theory from that of the Roman Catholic Church for its Popes and Councils. It was not so much the basal doctrine of Quakerism that was feared as its political consequences. The doctrine of the Puritans kept all authority in the hands of the few church members, who alone were freemen and consequently had power to vote and hold office. They meant the State to be a theocracy, of which they were the earthly agents. They would not divide their power with others. Those who could not and would not agree with them had liberty to go and stay elsewhere if they went silently. All who dissented from them were denied the common rights of Englishmen and were barred out of a certain portion of the King's dominion.

The traditional stories about the impertinence, extravagancies and fanaticism of the early Quakers in Massachusetts may safely be thrown out of court as the prejudiced and exaggerated

reports of their enemies. All such charges have been abundantly refuted by trustworthy authors.⁵

As an illustration of the intolerance of the leaders in Massachusetts, that intolerance which was magnified as a virtue, take this choice passage from *The Simple Cobbler of Aggawam*, a book written by the Rev. Nathaniel Ward of Ipswich, the same who drew up the first codified laws of the colony, wherein the criminal code was copied almost word for word from the Pentateuch. He says, "He that willingly assents to the last [toleration], if he examines his heart by daylight, his conscience will tell him, he is either an atheist, or an heretic, or an hypocrite, or at best a captive to some lust. Polypiety is the greatest impiety in the world. To authorize an untruth by toleration of the state, is to build a scone against the walls of heaven, to batter God out of his chair. Persecution of true religion and toleration of false are the Jannes and Jambres to the kingdom of Christ, whereof the last is by far the worst. He that is willing to tolerate any unsound opinion, that his own may be tolerated though never so sound, will for a need hang God's Bible at the devil's girdle. It is said that men ought to have liberty of conscience and that it is persecution to debar them of it: I can rather stand amazed than reply to this; it is an astonishment that the brains of men should be par-boiled in such impious ignorance."⁶ But who shall be the judge of truth? The Pope, or the King, or the General Court, or the Congregational ministers of the Massachusetts Bay Colony? It is true that one should not compromise with one's own conscientious convictions, but that does not make it one's duty to force those convictions upon others. Ministers are still pledged to banish and drive all strange doctrines from their parishes, although our laws allow heathen worshipers of every name to build their temples in our land. Some have learned that error must be overcome by reason and right living, rather than crushed out by force.

The facts here related have been told again and again, yet they can not properly be left out of a history of New Hampshire.

⁵ *The Emancipation of Massachusetts*, by Brooks Adams; *the Quaker Invasion of Massachusetts*, by Richard P. Hallowell, and *Sewel's Hist. of the Quakers*.

⁶ *Farmer's Belknap*, p. 46.

On the fourteenth of October, 1656, the General Court of Massachusetts made the following record: "Whereas there is a cursed sect of hereticks lately risen up in the world, which are commonly called Quakers, who take upon them to be immediately sent of God, and infallibly assisted by the spirit to speake & write blasphemous opinions, despising government & the order of God in church & commonwealth, speaking evil of dignities, reproaching and reviling magistrates and ministers, seeking to turn the people from the faith & gain proselites to their pernicious waies," the Court doth order that no master of a vessel should bring a Quaker into the colony under penalty of one hundred pounds and if he did bring one he should carry him back or be imprisoned; that any Quaker arriving in the colony should be at once imprisoned and severely whipped and set at hard labor, no person being allowed to converse with the same; that no books or writings that contained the "devilish opinions" of the Quakers should be brought into the country, nor be dispersed nor concealed, under penalty of five pounds; that nobody should undertake to defend the heretical opinions of the Quakers, under penalty of forty shillings for the first offence, of four pounds for the second offence, and for the third offence he should be committed to prison and banished from the jurisdiction of Massachusetts; and lastly that any person who should revile the office or person of magistrates or ministers should be severely whipped or pay five pounds. This law proved to be not sufficiently barbarous, and so the following year it was strengthened by the decree that whosoever might entertain or conceal a Quaker should forfeit to the country forty shillings for every hour's entertainment or concealment, and that "if any Quaker or Quakers shall presume, after they have once suffered what the law requireth, to come into this jurisdiction, every such male Quaker shall, for the first offence have one of his eares cut off and be kept at worke in the house of correction till he can be sent away at his owne charge, and for the second offence shall have his other eare cut off, &c., and kept at the house of correction as aforesaid; and every woman Quaker that hath suffered the lawe heere that shall presume to come into this jurisdiction shall be severely whipped and kept at the house of correction at work till she be sent away at her owne charge, and so also for her coming again she shall be alike used as afore-

said; and for every Quaker, he or she, that shall a third time herein again offend they shall have their tongues bored through with a hot iron & kept at the house of correction, close to worke, till they be sent away at their owne charge. And it is further ordered, that all and every Quaker arising from amongst ourselves shall be dealt with and suffer the like punishment as the lawe provides against forreigne Quakers."⁷

Major Richard Waldern of Cochecho was one of the deputies at the court when these wicked laws were enacted, and he lifted not his voice against them. A few years later he made himself odious by sentencing three Quaker women in a manner that would now disgrace the court of any petty ruler in heaven-land. The order was issued December 22, 1662, in the dead of winter.

To the Constables of Dover, Hampton, Salisbury, Newbury, Rowley, Ipswich, Wenham, Lynn, Boston, Roxbury, Dedham, and untill these vagabond Quakers are out of this jurisdiction:—

You and every one of you are required in the King's Majestie's name to take these vagabond Quakers, Anna Coleman, Mary Tompkins and Alice Ambrose, and make them fast to the cart's tail; and drawing the cart through your several towns, to whip them upon their naked backs, not exceeding ten stripes apiece on each of them, in each town; and so convey them from constable to constable till they are out of this jurisdiction, and you will answer it at your peril; and this shall be your warrant. Per me, Richard Walderne.

It has been asserted by Quaker authorities that this disgraceful order was drawn up by the Rev. John Reyner, who was at that time the minister of Dover, and it is almost certain that it was done with his consent and approval, for any minister within the jurisdiction of Massachusetts could have prevented such barbarity in his own town, had he been so disposed. Traditions concerning the gentle disposition of Mr. Reyner do not save him from the condemnation of history, for a "a man may smile and smile and be a villain," and it is well known that then a minister could weep and pray and be gentle to his friends and still be a persecutor of heretics in the most bitter spirit and cruel manner.

The occasion of the above merciless order may be told as follows, condensed and modified from the account as given by

⁷ N. H. Prov. Papers, Vol. I, pp. 226-230.

George Bishop in his book, *New England Judged by the Spirit of the Lord*, published in 1667. Mary Tompkins and Alice Ambrose from old England and George Preston and Edward Wharton from Salem visited Dover in the year 1662. There they conversed with many of the people at the inn on Dover Neck. Some of the inhabitants ran to parson Rayner's house and fetched him to refute the arguments which they could not answer. A theological wrangle ensued about the mysteries of the Trinity, and parson Reyner is said to have been much fretted and in a rage. However, many were convinced that the Quakers were in the right, who abode there a few days and then crossed over to Kittery, where they were lodged by Major Nicholas Shapleigh. Toward winter of 1662 Mary Tomkins, Alice Ambrose and Ann Coleman went again to Dover to visit those who had embraced their faith and to scatter more seeds of truth, when a "flood of persecution arose by the instigation of the Priest," which led to the above given order of Major Walderne. On examination before Walderne he began to tell them of the law against Quakers. Mary Tomkins replied, "So there was a law that Daniel should not pray to his God," to which he answered, "and Daniel suffered and so shall you." He asked Alice Ambrose her name, which appeared in the warrant. "My name," she said, "is written in the Lamb's Book of Life." He replied, "Nobody here knows the Book and for this you shall suffer." One of the tender women was little and crooked, yet in a very cold day they were all stripped from the waist upward and tied to the tail of a cart with ropes, seeing which James Heard asked if those were the "cords of the covenant." After a while they were cruelly whipped, "whilst the Priest stood and looked on and laughed at it, which some of the friends seeing testified against, for which Walderne put two of them, Eliakin Wardel of Hampton and William Furbush of Dover, in the stocks." This William Furbish, Scotchman, soon afterward settled in what is now Eliot, Maine, and many of his descendants united with the Society of Friends in that place.

"Having dispatched them in this town and made way to carry them over the waters and through woods to another, the women denied to go unless they had a copy of their warrant, so your executioner sought to set them on horseback, but they slid off; then they endeavored to tie each to a man on horse-

back; that would not do either, nor any course they took till the copy was given, insomuch that the constable professed that he was almost wearied with them. But the copy being given them, they were with the executioner to Hampton, and through dirt and snow at Salisbury, half way the leg deep, the Constable forced them after the Cart's tayl at which he whipped them, under which cruelty and sore usage the tender women traversing their way through all was a hard spectacle to those who had in them anything of tenderness; but the Presence of the Lord was so with them (in the extremity of their sufferings) that they sung in the midst of them to the astonishment of their enemies."

This outdoes Paul and Silas singing in the Philippian jail at midnight. The sentence meant death by the most cruel torture, for the minister and the judge well knew that the Quakeresses could not survive to be dragged thus a distance of eighty miles and receive one hundred and ten blows with a whip of three cords. It is a wonder that they lived to reach Salisbury. It is a greater wonder that before they reached that town nobody had the pity and courage to rescue them from the bloody hands of the executioner. It shows how human law, however repulsive, is stronger than the divine in the hearts of weaklings. The people feared the spoiling of their goods and like punishment for themselves, if they interfered with the judgment of the court and the work of the constable. It is to the honor of Salisbury that the inhuman outrage could proceed no further. Sewel says that "their bodies were so torn, that if Providence had not watched over them, they might have been in danger of their lives. But it fell out so that they were discharged: for the constable at Salisbury who must have carried them to Newbury, was desired by one Walter Barefoot to make him his deputy, who thus receiving the warrant set them at liberty; though John Wheelwright, the priest, advised the constable to drive on, as his safest way." We shall meet this Walter Barefoot again. It is said that he acted with the connivance of Major Robert Pike. Just as no sea-captain could be found to bear Cassandra Southwick away to slavery in the Barbadoes, so nobody was found in Salisbury who would further torture and pass on to the next town's torture three feeble Quaker

women, their naked backs lacerated and bleeding in the wintry cold. And so they escaped death, but

"Sore from their cart-tail scourgings, and from the pillory lame,
Rejoicing in their wrtchedness, and glorying in their shame."

Nothing can silence prophetic impulse. Sooner will the stones cry out than the religious reformer keep still. These persecuted women returned to work, moved thereto by a thus-saith-the-Lord within them. They found shelter with Major Shapleigh in Kittery and after a little while revisited their friends just across the river, on Dover Neck. There, while they were met together on the first day of the week and were in prayer, "the constable Thomas Roberts and his brother John, like sons of Belial, having put on their old Cloaths with their aprons, on purpose to carry on their Drudgery, taking Alice Ambrose, the one by the one Arm and the other by the other Arm, they unmercifully dragged her out of Doors, with her face towards the snow which was knee deep, over stumps and old Trees near a Mile: in the way of which when they had wearied themselves they commanded two others to help them and so laid her up prisoner in a very wicked man's house (Thomas Canney's), which when they had done they made haste with the rest that were with them to fetch Mary Tomkins; whom as they were dragging along with her face towards the Snow, the poor father of those two wicked Constables, following after Lamenting and Crying "Wo that ever he was the father of such wicked children," (From this man, Thomas Roberts, whose Labour was at an end, and who had lived in Dover thirty years and a member of their church above twenty years, they took his cow away which gave him and his wife a little milk, for not coming to their worship). So thither they haled Mary Tomkins also and kept them both all night in the same house; and in the morning, it being exceedingly cold, they got into a certain Boat or Canoe or kind of Trow, hewed out of the body of a tree which the Indians use in the water, and in it they determined to have the three women down to the harbor's mouth; and there put them in, threatening that they would now so do with them that they would be troubled with them no more." The women, being unwilling to go, were forced down a very steep place, in deep snow, and Edward Weymouth

furiously took Mary Tomkins by the arms and dragged her on her back over the stumps of trees down a very steep hill to the water side, so that she was much bruised and after was dying away. Elder Hatevil Nutter was present, stirring up the constables to do this thing for which they had no warrant. Alice Ambrose they plucked violently into the water and kept swimming by the Canoe, being in danger of drowning or to be frozen to death. Ann Coleman they put in great danger of her life, and the three might have perished, had not a great tempest arisen, which drove them back to Canney's house, where they were kept prisoners till midnight. Then they were cruelly turned out of doors in the frost and snow, Alice Ambrose's cloths being frozen like boards. Still they lived to suffer more persecutions elsewhere. The best and the worst men of Dover combined to maltreat and drive away three helpless women, while old Thomas Roberts, who had once the honor of being chosen President of the Court, feebly cried out in pity and was fined for subsequent sympathy expressed. What a tragedy. Had the Indians known and understood all this, they would have hardly kept away from Dover Neck, when a few years later they ravaged Cochecho and Oyster River. Perhaps they stayed away because during the next twenty years so many persons on the Neck had turned Quaker, for here, too, the blood of the Quaker martyrs was the seed of their church.

Again the Quaker women with others returned to Dover Neck and passed over to Oyster River, where on the first day of the week they went to Priest Hull's place of worship. This was the Rev. Joseph Hull, and his meeting house, built in 1656, stood on the south side of the river, three miles below the Falls. He was saying something against women's preaching when he fell into confusion, and Mary Tomkins rose up and declared the truth to the astonished congregation. Just here John Hill, of whom it is not recorded that he ever showed religious zeal on any other occasion, "in his wrath thrust her down from the place where she stood, with his own hands, and the priest pinched her arms," whereupon the Quakers were had out of the meeting house. But in the afternoon they had a meeting, attended by most of Hull's congregation. Pinching and rough handling seem to have answered all the requirements of this occasion, and the next year Edward Wharton appeared to trouble

the magistrates, Thomas Wiggin, Richard Walderne and William Hathorne. "Thomas Wiggin, Thomas Wiggin," said the dauntless Wharton, "Thou shouldst not rage so; thou art old and very gray, and thou art an old persecutor; it's time for thee to give over, for thou mayst be drawing near to thy grave." Whereupon Wharton was ordered to be tied to a cart's tail and whipped through three towns, ten stripes in each town. It was fourteen miles to the next town and Wharton was too weak to walk it; so they put him in prison till he somewhat recovered from his first beating, and then the rest of the sentence was executed,—in obedience to law.

The conduct of the Quakeresses may appear to us now like a wilful disturbance of public worship, but we must remember that they, in common with all Quakers, had been taught to keep silence and to speak, according as the Spirit moved. They had the example of the apostles in the temple, speaking "as the Spirit gave them utterance," and of the early Christians of Corinth, as described in the fourteenth chapter of St. Paul's epistle to that church. They used the liberty of prophesying, as it has been exercised in recent times by members of the congregation, after the minister had finished his discourse; and such "prophesying" has been welcomed when there was an evident outburst of the heart. A controversial utterance would not be so well received in any age. We shall see later on that a prominent abolitionist adopted the same method of expressing his conscientious convictions and with similar reaction upon himself. In both cases persecution was invited for the purpose of awakening the public mind. When the moral reformer has made somebody mad and got the whole town talking about it, he has half won his case.

At another time five more Quaker preachers came to Dover, including Ann Coleman, the irrepressible. They went to the place of worship, on the height of Dover Neck, and were promptly sent to prison by Major Walderne. There they were detained almost two weeks, "though he confessed that for aught he knew they might be such as were spoken of in the 11th of Hebrews, yet he must execute the law against them, and so set them at Liberty. The people promised that the priest Rayner should give them a fair reasoning when his worship was done; but he broke his word and packed away; and though

the women followed him to his house yet he would not turn, but clapt to his door, having taken out the key and turned Anna Coleman out of the house." After this some of the people of Dover, especially in the Oyster River parish, were fined for being absent from meeting and attending Quaker worship and entertaining Quakers, among whom were William Roberts, William Williams, William Follet, James Smith, John Goddard, Thomas Roberts, James Nute, Mary Hanson and the wife of Richard Pinkham, who sat in the stocks because her husband would not or could not pay a fine of sixty-five shillings.

"Truth crushed to earth shall rise again"; so it did in Dover, and a Quaker meeting house was built, and a company of godly men and women gathered in it. The children of some of the persecutors were converted to the views and practices of the Friends, and to this day the Quaker church in Dover lives, and their house of worship stands as a monument to the noble army of those who had the martyr spirit. This disgrace of persecuting the Friends in New Hampshire was due to the Puritan rule of Massachusetts for a time therein.

When New Hampshire was swallowed up by Massachusetts the formation of a new county became expedient. Norfolk County was formed May 10, 1643. It consisted of the towns of Salisbury, Hampton, Haverhill, Exeter, Dover and Strawberry Bank, or Portsmouth. The early judges and associates were Francis Williams, Thomas Wiggin, George Smyth, Samuel Dudley, Robert Clements, Ambrose Lane, Brian Pendleton, Henry Sherburne, Major Richard Walderne, Major Robert Pike, Edward Hilton, Richard Cutt, Valentine Hill, and Reynold Fernald. Usually the associates were chosen by the towns and confirmed by the General Court, while judges were sent by the Massachusetts Bay Colony to hold the principal courts, such as Major William Hathorne of Salem, ancestor of Nathaniel Hawthorne, Richard Bellingham, afterward governor of Massachusetts, Simon Bradstreet and Gen. John Leverett, both governors a little later, Major Humphrey Atherton, Captain Daniel Gookin and William Stoughton. Norfolk County ceased to exist September 18, 1679, when New Hampshire was made a separate royal province. The records of the courts held at Portsmouth and Dover are carefully preserved and well indexed at Concord; those of courts held elsewhere may be seen at

Salem, Massachusetts. Many abstracts from the latter have been published in the Essex Antiquarian.

Massachusetts, following the example of Christian nations of Europe and basing her criminal code on the Mosaic law, had a law that condemned witches and wizards to death. The first execution for witchcraft in New England was that of Margaret Jones of Charlestown, who seems to have practiced medicine to some sleight degree as a quack and to have said and done some things not easily explained. The habit of the age and of all preceding ages was to refer all things mysterious to either God or the devil for their origin. A number of respectable persons testified that in their opinion goodwife Jane Walford of Portsmouth was a witch. This was in 1656. Jane vanished out of sight in the shape of a cat. She brought strange disease upon a certain person, whose back became as a flame of fire. She touched the breast of another and he was in great pain till the next day. She even was thought to bewitch cattle. A yellowish cat seen in a garden grew to be three cats, all somehow identified with Jane Walford. One witness said there were three witches at Strawberry Bank; "one was Thomas Turpin, who was drowned accidentally; another was old Ham; and the third should be nameless because he should be blameless." The case against goodwife Walford was dropped and she brought action for slander against one person who called her a witch, suing for one thousand pounds and getting a verdict in her favor for five pounds and costs of court. Later, in 1680, a coroner's jury in Hampton found in their verdict "grounds of suspicion that the child was murdered by witchcraft" and Rachel Fuller was thought by many to be the witch. She acted in some respects like a crafty maniac, and it was testified that she declared there were eight women and two men who were witches and wizards in Hampton, among whom was Eunice Cole. The latter had been whipped in 1656 and then imprisoned in Boston for twelve years, on charge of witchcraft. In 1672 she was again arraigned on the old charge of witchcraft and it was testified that she appeared at times as a woman, a dog, an eagle and a cat. The court at Boston adjudged her not guilty and at the same time declared that there was "just ground of vehement suspisyon of her haueing had famillyartry with the deuill." Whittier has

made us familiar with her in his poem, the Wreck of Rivermouth. She was thought to have had the power of drowning persons with an invisible hand.

In 1682, Naomi Daniel of Oyster River was presented at court for slander in saying that her brother-in-law and her sister, Benjamin Mathes and wife, were wizard and witch, in that they had bewitched her cow into the mire twice. She herself had been accused of bewitching a sick child, but she affirmed that others had bewitched the child and accused her only to hide their own roguery.⁸

The same year goodwife Jones of Portsmouth was charged with witchcraft and she had retaliated on George Walton by calling him a wizard. Samuel Clark, son of John Clark of Great Island, mariner, "testifieth and saith that he was present when Goody Jones and George Walton were talking together, & he heard the said Goody Jones call ye said Walton wizard & that she said if he told her of her mother she would throw stones at his head. And this was on Friday ye 25th of August, 1682." Elizabeth Clark, aged forty-two, testified that "she heard George Walton say that he believed in his heart and Conscience that gammer Jones was a witch and would say soe to his diinge day." This was on the 31st of August, 1682. Others testified that stones flew in a mysterious manner about Walton, as he and others were unloading hay from a boat, and that some of the stones hit him. Goody Jones was suspected, although nobody saw her. Walton's fence had been torn down, and this was charged against Goody Jones the witch, which she denied. It seems to have been the habit of the times to call an offending person by the damaging name of witch or wizard. It was the easiest way of accounting for wrong-doing, and it vented the spite of accusers. We do not read of any conviction and penalty, except in the case of Eunice Cole. The jurisdiction of Massachusetts over New Hampshire had ceased before the height of the witchcraft craze in Salem and Boston, and the executions there found no response on the Pascataqua. There is no mention of witchcraft after the year 1682, though the statute law still remained, that witches and wizards should not be suffered to live.⁹

⁸ Hist. of Durham, N. H., Vol. II, p. 223.

⁹ N. H. Court Files, Vol. VI, pp. 379-381.

An item of some importance in the early history of New Hampshire has been overlooked by historians. This was the bringing in, as servants, of some Scotchmen, who had been taken prisoners by Oliver Cromwell in the battle of Dunbar, September 3, 1650, and the battle of Worcester, just one year later. One hundred and fifty from Dunbar were sent to Boston in the ship *Unity* and there sold to pay their passage money of twenty pounds apiece. They were forced to work as apprentices from six to eight years, after which they had their liberty and received grants of land in towns where they chose to settle. Two hundred and seventy-two more prisoners came over from the battle of Worcester in the ship *John and Sara*. A score or more of these Scots were employed in the sawmills at Oyster River and Exeter, that then included Newmarket, and some became permanent settlers in those places. Among them were Walter Jackson and William Thompson's son John at Oyster River, John Hudson of Bloody Point, and John Sinclair, John Bean, Alexander Gordon and John Barber of Exeter. The descendants of these include some of the leading men in the state.

It is interesting to know that when in 1669 it was desired to substitute at Harvard College a new brick building for the old wooden one, that was then in a state of decay, the citizens of Portsmouth pledged sixty pounds per annum for seven years, and the town later by vote endorsed the pledge. Dover gave thirty-two pounds and Exeter ten pounds for the same purpose.

The Rev. Joshua Moody began his ministry in Portsmouth in 1658, but was not ordained till 1671. Then a church was regularly gathered, consisting of nine members, Joshua Moody, John Cutt, Richard Cutt, Elias Stileman, Richard Martyn, Samuel Haynes, James Pendleton, John Fletcher and John Tucker. A new meeting house was built about 1657. The election of Mr. Moody as pastor and teacher was approved by the General Court and Governor Leverett was present at his ordination. In 1672 it was voted that if any shall smoke tobacco in the meeting house at any public meeting, he shall pay a fine of five shillings for the use of the town. In those days all town meetings were held in the customary place of worship, and the place was considered sacred on all days.¹⁰

¹⁰ See *The Four Meeting Houses of the North Parish of Portsmouth*, by Charles A. Hazlett, in *Granite Monthly*, XXXVIII, pp. 37-44.

Reserving for a separate chapter some account of the first Indian war we pass in review the facts pertaining to the Masonian claims that led up to the end of the jurisdiction of Massachusetts over New Hampshire. Captain John Mason, who died in 1635, left all his property in New England to his wife, Ann Mason, and ultimately to his grandson, Robert Tufton, on condition of his taking the surname Mason. Mrs. Mason died in 1654, and Robert Tufton Mason in 1659 petitioned Parliament for a committee to adjudicate his claims under the original grants made to his grandfather. We have seen that commissioners, Carr, Cartwright and Maverick, came over in 1665 and were opposed by the government of Massachusetts. They were impowered by the king to use their discretion in the settlement of conflicting claims, and they partially heard the case of Mason's heirs at Portsmouth. The rulers of the Bay Colony warned the people of New Hampshire not to obey the commissioners and claimed that their charter from the king gave them right of jurisdiction that could not be interfered with by any commissioners. If chartered rights could be thus easily set aside or interfered with by men sent over from England to act at their discretion, this would be equivalent to a revocation of the charter and the destruction of civil liberties. They had claimed and enjoyed almost complete independence too long to now give it up without a decided protest. They even threatened to abandon the colony and go elsewhere rather than yield to the commissioners. The king commanded Massachusetts Bay Colony to send over four or five agents, that he might listen in person to their claims and arguments. Meanwhile the best legal authorities in England had pronounced in favor of the claims of the heirs of Mason to the soil, but not to the jurisdiction of New Hampshire. These legal opinions were rendered by Sir Geoffrey Palmer in 1660 and by Sir William Jones, Attorney General, and others in 1675. The judges also reported that Massachusetts had no just claim to territory north of three miles north of the Merrimack river and consequently no jurisdiction.

Meanwhile efforts and propositions had been made by the heirs of Mason to sell the province. On the thirteenth of November, 1671, Robert Mason proposed to the king, that "if his Majestic shall please to grant unto Robert Mason the

Importation of three hundred Tonns of ffrench Wine free of all Customs in consideration thereof he will sell to his Majtie his Patent of New Hampshire in New England."¹¹

Surely this was a small price and it indicates how discouraged the heirs of Mason then were. Colonel Robert Pike of Salisbury wrote to Robert Mason, November 19, 1672, saying that the magistrates of Massachusetts "have requested mee to write unto you, earnestly desiring that all former disputes and differences may be forgotten and a happy agreement made, to which end if you shall be pleased to joyne your province to this as to government they will add their authority to your right, whereby you may have what reasonable acknowledgement you please of every Inhabitant in your province, and if you shall please to come and live in these parts, you will find that due honor and respect shewed you, as the memory of your Noble Grandfather deserves and your own great worth and meritts may challenge, for doeing soe meritorious a worke as the happy uniting of these two provinces under one government, wherein your advantage will be equall to theirs & nothing shall be imposed upon you in relation thereunto, but shall seem both reasonable and honorable unto you, whereby all animosities will cease and there will be no need of engaging higher powers in these concerns."¹²

Evidently the intention of Massachusetts had been noised abroad, for August 9, 1662, Francis Champernowne, and Henry Jocelyn wrote to Robert Mason, dissuading him from accepting the offer of Massachusetts. Thus it is seen that for the sake of enlarging and confirming an assumed jurisdiction the magistrates of the Bay Colony were willing to join with the heirs of Mason in demanding rents and payments for land of every settler in New Hampshire. They seem to have cared not at all for the rights and liberties of others, while so assertive and tenacious of their own.

Another attempt was made to sell the province to the king. On the twentieth of March, 1673-4, William, Earl of Sterling, Ferdinando Gorges, Esq., and Robert Mason proposed to the king to surrender their patents in consideration of "new Grants from your Majty of one third part of all the Costomes, Rents,

¹¹ Copy of Colonial Papers, Vol. XXVII, No. 43, N. H. Hist. Society.

¹² Colonial Papers, Vol. XXVIII, No. 67.

ffynes, and other profits which shall be made in the said Provinces, or such other reasonable compensacon in Lieu thereof as yor Majesty shall think fitt." This proposal was signed by Robert Mason alone.¹³

These attempts to sell the province having failed, the claims of the heirs of Mason were renewed and in 1676 the king, Charles II, sent a letter to the government of Massachusetts, the bearer thereof being Edward Randolph, a kinsman of Mason. The letter ordered that agents be sent to England within six months to hear and answer the claims and representations of Robert Mason and Ferdinando Gorges. The letter was to be read publicly before the General Court and in the presence of Randolph, who was to return their answer to the king. Copies of the complaints accompanied the king's letter, all of which were read as ordered and the only answer was that they would consider it. The leaders in Boston did not hesitate to tell Randolph that they considered him Robert Mason's agent. Randolph made a journey into New Hampshire and evidently conversed with many who sided with Mason because of their opposition to the rule of Massachusetts. In his report to the king Randolph stated "that he had found the whole country complaining of the usurpation of the magistrates of Boston, earnestly hoping and expecting that his Majesty would not permit them any longer to be oppressed, but would give them relief according to the promise of the commissioners on 1665." Herein he echoed the wishes of such men as Walter Barefoot, Abraham Corbet and many others, but this was not the sentiment of the majority of the voters of New Hampshire. Randolph's letter has been called a "Lying report." It was rather a true but prejudiced report of information gained from partial judges. The following year, 1677, four separate petitions were sent to the king from the four towns of New Hampshire, asking that they be continued under the government of Massachusetts. The petition from Dover was signed by twenty-nine persons, certainly not the majority of voters, and Major Richard Walderne and Elder William Wentworth were the leading spirits. Doubtless a counter petition would have been signed by as many others, for then as now few would resist the sollicita-

¹³ Colonial Papers, Vol. XXXI, No. 22.

tions of influential acquaintances. The petition from Exeter has thirty-two signers, headed by the Rev. Samuel Dudley, John Gilman and Robert Wadleigh, men of note. The petition from Portsmouth has fifty-six signatures, and we recognize the familiar names of the political leaders of that time, William Vaughan, Thomas Daniel, Samuel Haines, Brian Pendleton, John Pickering, the Rev. Joshua Moody, Elias Stileman, Richard Martyn, Nathaniel Fryer, Robert Eliot, Tobias Leare and John Sherburne. Hampton's petition was signed by fifty, among them being William Sanborn, the Rev. Seaborn Cotton, Christopher Hussey, Andrew Wiggin, John Sanborn, Nathaniel Weare and the Rev. Samuel Dalton. Thus it appears that a large percentage of the leading men of New Hampshire were in favor of continuing under the jurisdiction of Massachusetts, and it can not be doubted that their motive was, that they would thus be better protected against the claims of Robert Mason to their estates. Indeed this motive was openly declared in town meeting at Dover, when Major Richard Walderne was appointed to petition the king to interpose his authority in their favor, "that they might not be disturbed by Mason, or any other person, but continue peaceably in possession of their rights under the government of Massachusetts."

At about the same time Randolph freed his mind to Governor Winslow of Plymouth, who in reply expressed his dislike of the way the authorities at Boston were conducting themselves. On the sixth of May, 1677, Randolph made a long report on the state of affairs in New England, in which he wrote, "Matters of fact concerne as much his Majesty as Mr. Mason and Mr. Gorges, and against the government of Massachusetts these following articles will be proved:

1. That they have noe right either to land or to Government in any part of New England and have always been usurpers.
2. That they have formed themselves into a Commonwealth, deneying any appeals to England and contrary to other Plantations doe not take the oath of Allegiance.
3. They have protected the late King's Murtherers, directly contrary to his Majties Royall Proclamation of the 6th of June 1660, and of his letters of 28th June 1662.
4. They Coine money with their own impress.
5. They have put his Majties subjects to death for opinion in matters of religion.

6. In the year 1665 they did violently oppose his Majties Commissioners in the settlement of New Hampshire and in 1668 by armed forces turned out his Majties Justices of the Peace in the Province of Maine in Contempt of his Majties Authority and Declaration of the 10th of Aprill 1666.

7. They impose an oath of fidelity upon all that inhabit within their Territoryes, to be true and ffaithfull to their Government.

8. They violate all the acts of Trade and navigation by which they have impressed the greatest part of the West India Trade, where his Majtie is damaged in his Customs above 100,000 pounds yearly and this Kingdom much more.

The reasons stated by Randolph for a speedy hearing and determination of the matters involved in his report were as follows,—

1. His Majesty hath an opportunity to settle that Country under his Royall Authority with Little charge, Sir John Berry being now at Virginia not far distant from New England, and it lyes in his way home, where are many good harbours free from the worme, convenient Towns for quartering of Souldiers, and plentiful Accomidations for men and shipping.

2. The earnest desire of most and best of the Inhabitants (wearied out with the Arbitrary proceedings of those in the present Government) to be under his majties Government and Laws.

3. The Indians upon the Settlement of that Country it is presumed would Unanimously Submit and become very Serviceable and usefull for improving that Country, there being upward of Three hundred Thousand English inhabitants therein.

Then Randolph adds his proposals for the settlement of New England, which if adopted would probably lead to peace and prosperity.

1. His Majties Gracious and General pardon, upon their conviction of having acted without and in contempt of his Majties Authority, will make the most refractory to comply to save their estates.

2. His Majties declaration of confirming unto the Inhabitants the Lands and houses they now possess upon payment of an Easie Quit rent and granting Liberty of Conscience in matters of Religion.

3. His Majties Commission directed to the most eminent persons for Estates and Loyalty in every Colony to meet, consult and act for the present peace and Safety of that Country during his majties pleasure, and that such of the present Magistrates be of the Councill as shall readily comply with his Majties comands in the Settling of the Country, and a pention to be allowed them out of the publique Revenue of the Country with some Title of Honour to be conferred upon the most deserving of them, will cause a general Submission.¹⁴

¹⁴ Colonial Papers, Vol. XLIX. No. 67.

The conduct of Edward Randolph earned for him the epithets, "Messenger of death," "the evil genius of Massachusetts," "the general enemy of American liberty." Dr. Increase Mather called him "a child of the Divill," while the Rev. Cotton Mather was content to speak of him as "a blasted Wretch, followed with a sensible Curse of God, wherever he came; Despised, Abhorred, Unprosperous." Thus the Puritans and those who have felt bound to defend them in all their unjust claims and doings have been inwardly moved to speak of the man who differed from them in public policy, who discerned and reported to the king the growing disloyalty of his subjects in Massachusetts, and who had little sympathy for the arrogant clerical leaders there. Yet he seems disposed to treat them with more justice and forbearance than they evinced toward him. Later he would have been called a Tory. His reports are based upon the representations of many wise and good people in Maine, New Hampshire and Massachusetts. He saw that a different spirit prevailed in Massachusetts, an exaggerated demand for independency and Home Rule, intolerance and persecution of heretics, that did not prevail in other colonies. He thought that the clerical party in Massachusetts ought to be governed rather than governors. He was hated because he opposed their desires and schemes and by his plain talk did perhaps more than any other to bring about the revocation of the king's charter and the downfall of Puritan rule. Yet nothing could be said against his sincerity and honesty as a messenger of the king and a public official for many years; neither was he lacking in mercy, though he may have been in charity, while his opponents were wanting in both these virtues. Most historians have followed the leading of the condemnatory writers of that early time, when hearts were hot with political hatred and baffled ambition, and have had little but evil to say of Edward Randolph. Candor needs to modify their rancorous accusations. Randolph's opinion respecting the disloyalty of the Massachusetts leaders and their ready followers in New Hampshire agreed quite well with the reports of the commissioners of 1665. Subsequent agents sent to New England, after a little experience, came to share the same conclusions.

Massachusetts sent over to London as her agents William Stoughton, who had been a judge and afterward was lieutenant governor, and Peter Bulkley, then speaker of the house of

deputies. These agents, being examined by the Lords of the Committee for Trade and Plantation, denied for the most part the statements of Randolph as given above. They admitted, however, that in 1652 the Massachusetts colony were necessitated to coin money for the support of their trade, and that this was never objected to before. They admitted also that some Quakers were put to death, having come again into the colony after banishment. They added "that there are many Quakers now living amongst them." Also they declared the law against the keeping of Christmas to have been made in the late troubles, but that, to their knowledge, it is not put in execution.

The Lords of the Committee for Trade and Plantation recommended that a letter be sent to the government of Massachusetts and that two other agents be sent over to England, in place of Stoughton and Bulkley, who were desirous of returning to Boston. The proposed letter was approved by his Majesty's Council, and a letter from the king to the Massachusetts government, dated July 24, 1679, read some plain and easily understood lessons to the religious oligarchy at Boston. It commends them for requiring subjects to take the oath of allegiance, which duty had been formerly neglected. It declares the expectation of the king that henceforth there shall be allowed in the colony freedom of conscience, so that those of the Church of England and others who do not wish to worship in the Congregational way may be unhindered and not "subjected to fines or forfeitures or other incapacities for the same, which is a severity the more to be wondered at, when as Liberty of Conscience was made one principal motive for your first transportation into those parts." Then notice was given, which must have caused the Bostoners to wince, that "Wee have appointed our Trusty and wellbeloved Subject, Edward Randolph Esqr, to be our Collector Surveyor and Searcher, not only for that Colony, but for all other Our Colonies in New England," and he was recommended to their help and assistance in the discharge of his duties. The letter goes on to express disapproval for the purchase of the Province of Maine from the heirs of Sir Ferdinando Gorges for twelve hundred pounds (The price paid was £1250) and asks that upon reimbursement of what had been paid out there be a surrender of all deeds and writings pertaining thereto, "for as much as Wee were sometime in treaty for the said province and doe disapprove what you have done

therein." The conclusion blasted all their hopes of extension of territory and political power. "And as for that part of the province of Newhampshire lying Three miles Northward of Merrimack River, which was granted unto Mr. Mason, and whereof the Government still remains vested in Us, you are not to expect (according to the desire of your Agents) that the same should be annexed to your Government, ffor Wee have it under Our consideration, how to establish such method there as may be of most benefit and satisfaction to Our good subjects of that place. And therefore Our will and pleasure is that you doe recall all Commissions granted by you for Governing within that province, which Wee do hereby declare to be void, and doe require that you doe in all things for the future conforme your selves unto the Resolution which Wee have taken in this behalf. And soe not doubting of your Duty and Obedience herein Wee bid you farewell."

Disappointed, snubbed, checked in their chosen path of ambition, forced to be tolerant in religion, reprimanded for craftiness, shorn of their assumed prerogatives, why did not Massachusetts then rebel and not wait another century? Simply because they were not strong enough, were divided in opinions among themselves, had not the support of the other American colonies, and were not of the thrice-armed who have their quarrel just. Therefore they submitted with what grace they could, while the clericals poured out their spite upon Edward Randolph. Vaulting ambition had o'erleaped itself. The dream of an ecclesiastical oligarchy, called a theocracy, had vanished.

A report had been made to the king, July 2, 1679, that "the Corporation of the Massachusetts Bay had no right either to soil or Government beyond 3 miles to the Northward of Merrimack River, nor to the Soil nor Proprietie of any lands lying between the rivers of Naumkeck and Merrimack, and that all grants, titles and alienations of the said lands made by them or by any authoritie derived from them to bee absolutely void and declared illegall." It was also decided by the best legal authority that the title to land must be tried on the place, there being no court in England that had cognizance thereof, and thus a new jurisdiction had to be established in New Hampshire in order to try the Masonian claims, while the settlers between the Naumkeag and three miles north of the Merrimack rivers

were left to defend their titles in Massachusetts courts, evidently prejudiced against Mr. Mason and his heirs. The futility of any attempt to recover lands there was so apparent that the heirs of Mason never made an effort to collect quit-rent or oust the tenants of Cape Ann and vicinity. Mason's legal claim to land there was just as good as it was in New Hampshire, but his enemies had jurisdiction. His heirs hoped that with the aid of king and judges in old England and with a new government set up by the king in New Hampshire they might get recognition of the justice of their claim and thus gain something for the twenty-two thousand pounds, that, as they asserted, had been spent in the development of the colony. That was an extravagant estimate, even if the expense of the plantation at Newichawannock were taken into account.

In order to smooth the way for an agreement, between Robert Mason and the settlers of New Hampshire royal authority had so composed matters with Mason that up to the twenty-fourth day of June, 1679, he relinquished all claim or demand for "any rent, dues, or arrears whatsoever, and for the future he, his Heirs or Assigns shall receive only Six pence in the Pound yearly of every Tenant by way of Quit Rent according to the true & just yearly value of what is improved by Any of the Inhabitants."

Chapter IV

FIRST CONFLICT WITH THE INDIANS

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King Philip's War—Encroachments of the Settlers—Indian Atrocities—Savagery versus Civilization—Passaconaway and Wonalancet—First Blow Struck at Oyster River—John Robinson of Exeter Slain—Attack on Salmon Falls—Four Slain in Hampton—Sham Fight at Cochecho—Indians Sold into Slavery—Condemnation of the Treachery—The Indians Simon and Andrew—Expedition against Eastern Indians—Scruples about Employing Mohawks as Allies—Treaty of Casco—What Nine Indians Say—How Indians Got Arms—Losses and Cost of the War—The Praying Indians of Natick Cruel Fighters of the English.

THE story of King Philip's War has been told too many times to be repeated here at length. Most of its events had little or nothing to do with the history of New Hampshire. Much must be left to the historians of Massachusetts and of Maine. The settlers of New Hampshire lived at peace with the Indians, traded with them and bought land of them for over half a century before any trouble arose. There were acts of injustice on the part of individuals here and there. Wars result from the crimes and ambitions of the few rather than of the masses. The Indians were cheated in trades and in purchase of lands, as the ignorant are generally cheated by those who have superior knowledge. They sold whole townships and counties for a few trifles that might well have been given to them in token of friendship. In such sales they did not imagine that they would be excluded from the lands sold, and sometimes they stipulated in deeds that the old privileges of hunting and fishing should remain to them. They parted with tons of beaver skins and other valuable peltry for a blanket, a gun, a string of beads, and some fire-water. Thus the white traders grew rich at the expense of the Indians. Gradually the eyes of the redmen were opened to see that their ancient possessions were taken from them and enclosed by fences; that villages sprung up on their old corn-fields; that saw-mills drove the fish from their waterfalls; and that the clearing of the forests chased their deer away. They were pushed back further into the woods and crowded upon hos-

tile tribes. Both French and English stirred them up to war upon one another. Rough and rascally fishermen and hunters committed outrages upon their women and children, the report of which traveled far and was remembered long. England and France carried their quarrels into the wilds of the new world, furnished weapons to the redmen and led them as allies to the burning of houses and the massacre of men, women and children. The Indians were not more cruel than the white men. At that very time atrocities were being committed in Ireland, between religious factions, that would put to shame the Indians for their lack of refined barbarity, for there noses and ears were cut off, men and women were stripped naked and turned out in the winter cold, and the road to Dublin was lined with corpses. The Indians sometimes tortured their captives in the spirit of retaliation, especially when crazed by the white man's drink, but they never invented such instruments of torture as were used by the Inquisitors. The Indians never forgot an injustice and they were equally mindful of a kindness. To their honor it should be said that there is no record that in the treatment of captive women they ever violated the laws of chastity. It was French gold that persuaded them to take away women and children.

On the other hand it is foolish to contend that the scanty tribes of Indians owned the soil and forests of all New England, yea, of all the continent, as some affirm. The principle stated by some rulers in Massachusetts, that the Indians had a valid claim only to the land that they improved, seems to be sound and just. Savagery ought to give way to civilization. They who utilize the soil should have it. Men are entitled to the fruits of their labors, and that which exists and grows without labor is the common property of all.

Old Passaconaway, chief of the Penacook tribe, saw that the white men must become the conquerors and cautioned his people to let them alone and live peaceably with them. His son, Wonalancet, followed his advice. Sagamore Rowls, of Newichawannock, was a friend to the settlers. These were not strong enough to prevent others from digging up the hatchet. King Philip's War served to unite the tribes all along the frontier in an effort to exterminate the pale faces. A common love of home and native land and a common desire for fighting and plunder made them act just like Europeans, when moved by the same impulses.

It is unfortunate that no history of the early Indian wars was written by an Indian. What a heartrending and frightful story an Indian Hubbard would have told of the aggressions of the Yengees—how they fell upon the sleeping bands of redmen and shot them before they had an opportunity to resist, how squaws and papooses were sometimes killed without mercy, how many wigwams and entire villages were burned, how much plunder the enemy carried off, how many were captured through treachery and hanged in Boston or sold into slavery in the West Indies, never to return. Detailed reports, exaggerated by all the arts of rhetoric, we may now read of the bad deeds of the Indians; no sachem has left a record of the equally numerous and cruel deeds of the whitemen. Civilized warfare was then as unknown as it is now among Turks, Bulgarians, Greeks, Serbians, Austrians and Germans, when they are bent on vengeance and conquest. When hatred is aroused civilized people forget the art of concealing that they are savages. Especially "the heathen" have no rights that men only veneered with Christian civilization feel bound to respect, and sacred books are quoted to make murder and robbery in time of war appear as duties. War under any conditions is the worst thing imaginable except slavery; between ignorant and savage tribes it is hate and cruelty intensified; when waged by religious bigots it is worse than Dante's Inferno.

The first blow struck in New Hampshire was in September, 1675, at Oyster River. The Indians burned two houses and killed two men, William Roberts and his son-in-law.¹ Roberts lived on the south side of the river, about two miles below the falls. There is no record that any of his neighbors were disturbed, and Roberts might have been away from home at the time. Soon after William Beard, a very good old man, was slain outside of his garrison, on the north side of the river, half a mile from the Falls. The Indians cut off his head and set it up on a pole in derision; or this may have been done in retaliation. Hubbard says that the queen of Pacasset was found naked and dead

¹ This is on the authority of the Rev. Jabez Fitch of Portsmouth, who left in manuscript a brief history of New Hampshire, from which Belknap drew all that was of any value. The son-in-law above mentioned is more likely to have been William Roberts Jr. The two bound volumes of Fitch's manuscript are in the possession of the Mass. Hist. Society, through whose courtesy the author was permitted to read them.

by the waterside. "Her head being cut off and set upon a pole in Taunton was known by some Indians then prisoners, which set them in a horrid lamentation." So perhaps good man Beard had to suffer because of the evil deeds of whitemen in Massachusetts. Two houses belonging to the Chesley family were burned, and two men sailing along the river were killed. An old Irishman and a young man were captured at the same time, but they soon found a way of escape.

In November, 1675, John Robinson of Exeter, blacksmith, who had removed to that place from Haverhill, Massachusetts, and his son were waylaid by three Indians, while they were on their way to Hampton. The father was shot dead; the son ran into a neighboring swamp and, although pursued, succeeded in reaching Hampton at midnight. The next day Lieutenant Benjamin Swett with about a dozen soldiers searched the woods and found the body of the murdered man, shot in his back. Captain Benjamin Swett afterward led a company of soldiers in the defense of the fort at Black Point, Scarborough, and in a fight was cut down by tomahawks after having been wounded twenty times. Probate records show that the above named John Robinson was killed the tenth of the ninth month, 1675. About the same time Charles Randlet, or Rundlet, of Exeter, was captured and soon escaped. There was a plot to burn the house of Thomas Sleeper, on the easterly frontier of Hampton, but the skulking Indian was shot in the act of setting the fire. The attack on Tozier's garrison at upper Newichawannock has been often told—how a maiden held the front door while fifteen persons were escaping by the rear and how she was knocked on the head with a tomahawk and left for dead, only to recover and live many years, unknown by name to fame—how Lieutenant Roger Plaisted and son lost their lives in an unequal fight with many savages—all these details may be seen in histories of Maine.

Late in 1675 peace was concluded with the Indians, only to be broken the following year. Some captives were restored to their homes. On the sixteenth of April, 1677, the house of John Kenniston was burned at Greenland and he was slain. Two months later, June 13th, the enemy again appeared in Hampton and killed four men, Edward Colcord, Jr., Abraham Perkins, Jr., Benjamin Hilliard and Caleb Towle. All the people of the four towns of New Hampshire flocked to garrisons, whence issued

parties of volunteers, who sometimes surprised the Indians in return. One such party from Dover came upon five Indians gathering corn and roasting it. Two of the Indians were knocked on the head with muskets and the other three ran away.

It was in September, 1676, that four hundred Indians assembled at Cochecho about the residence of Major Richard Walderne, on a peaceful errand, under the leadership of the friendly Sagamore, Wonalancet. Mixed with them were some Indians from the south, who had committed offenses, and it was the wish of the Massachusetts authorities to bring them to justice—to justice as interpreted by the whitemen, whose rules of warfare were somewhat different from those of the redmen. Captain William Hathorne, of Salem, and Captain Joseph Sill, of Cambridge, were sent to Cochecho with two companies of soldiers, and Major Charles Frost, of Kittery, was present with his force. The Indians considered themselves safe under the protection of Major Walderne, even those who had been in the campaign with King Philip. But Hathorne and Sill had orders from the Massachusetts government to seize all southern Indians wherever they might be found. Major Walderne thought that any attempt to do so would result in much bloodshed, and so he proposed what has been called a stratagem, since “all is fair in love and war,” a doctrine very popular with the unscrupulous. He arranged with the Indians to have a sham fight, as some writers say, although the historians of that time say nothing about a sham fight, but make mention of a training. One writer says that the dread of the Mohawks from the west drove the eastern Indians to confer with Major Walderne, and it is well known that the English at that time and later tried to induce those wild and relentless savages to make war on the Indians of the east. In the midst of the sham fight or training, when the Indians had discharged their guns, the white forces surrounded and captured the Indians and disarmed them, before the latter were aware of designs against them. The friendly Indians under Wonalancet were soon set at liberty, but the rest, to the number of about two hundred, were sent to Boston, where six or seven were tried and hanged for past offenses, while many others were sold into slavery, some going to the Fayal Islands. Some escaped and found their way back to New England, and the narration of their experiences did not help to preserve peace and create good will among the Indians.

Thirteen years later they had their balances of justice properly adjusted.

Among the colonial papers recently copied from the English archives are some articles of high misdemeanor charged against Major Richard Walderne by Robert Mason. One is as follows:—"The said Waldern hath caused many Indians to be barbarously and perfidiously slain in time of peace, whereby many English were killed." This charge was made November 13, 1681. In another paper it is said that "the said Waldern, about the year 1677, after the peace concluded with the Indians, did invite the Indians that lived in the said province to settle near his house, professed great kindness toward them, built them a ffort, and entertained them about fourteen days, with victuals and strong drink. In the meantime he got 200 Souldiers and seized them all, whereof seven of the principall were hanged and about 200 sold for slaves (whereof many had never been in arms) to the great scandall of the Christian religion, which was the occasion of many English being killed." Here we have the testimony and opinion of a man who had every opportunity of learning the facts in the case. To be sure Mason was writing about his opponent, but he stated only what was well known and admitted by Walderne's friends. The only excuse ever offered was military necessity, the need of getting the better of the enemy at any sacrifice of honor and moral principle. It has been said also that Walderne and Frost were subordinate to the commands of the General Court of Massachusetts, thus trying to shift the responsibility. The whole scheme is perfectly in harmony with Major Walderne's character as shown in his treatment of the Quakers. The perfidious manner of arrest was his own device, and Hathorne, Sill and Frost aided in its execution. The historian Hubbard has no word of moral reproof for the deed. As a Puritan minister he was well acquainted with casuistry, "the art of quibbling with God." To him any course seemed justifiable that punished the enemy and protected the settlers. When Indians were slain or enslaved, it was the righteous retribution of God. It mattered little that this foul act was perpetrated after peace had been agreed to.

What ought to be said about such an act? Shall the old motto be followed, *De mortuis nil nisi bonum?* Shall the silent robe of charity be thrown over the misdeeds of the past? Shall

we lightly conclude with Hubbard that these two hundred Indians, captured by fraud while under a flag of truce, "were sent into other Parts of the World, to try the Difference between the Friendship of their Neighbors here and their Service with other Masters elsewhere"? Shall we say with the Puritans of that time that it was the judgment of God upon the cruel savages and appeal to the Old Testament for justification? Shall we excuse treachery in retaliation for treachery? Shall we expose to view the sins of the fathers? If not, how shall the sons learn to do better?

We must conclude that it was a base and wicked act. The conscience of the Indian was acute enough to see that, and he never interpreted it in any other way. It was a foolish and dangerous act. The subsequent retaliations prove this. New England got rid of a few bad Indians, and many good Indians were made enemies by this act of injustice and betrayal. They pursued the policy of "watchful waiting" till they cut Major Walderne into pieces upon his own table and shot Major Frost as he rode home from meeting, at Ambush Rock. There was no city of refuge to which they might flee and be safe from the avenger. The Indians never transferred the responsibility to the Massachusetts authorities, and they seem to have been the best judges in this case. All the honor in this event belongs to them. They turned about the saying of a modern general and acted as though they believed that "the only good pale-face is a dead pale-face."

A little later Indians, named Simon and Andrew, were concerned in the killing of Thomas Kimball, of Bradford, Massachusetts, and carried away his wife and five children. The wife and children, for some unknown reason, were returned within six weeks, perhaps to thus pave the way for peace. Simon and Andrew were put into prison at Dover, whence they made their escape, fearing worse punishment. They joined the Androscoggin and Kennebec Indians and did all the injury they could to the settlers in Maine. This, from the Indian point of view, was honorable warfare, but they were "heathen." Hubbard relates that Simon and Andrew later came into Portsmouth and burnt a house within four or five miles of the town and took a maid and a young woman captive, one of whom had a young child in her arms. She was permitted to leave the child with an old woman, "whom the Indian Simon spared because he said she had

been kind to his grandmother"—not a very bad Indian after all. Soon after three more were slain by Indians in the woods near Portsmouth, one of whom was riding to alarm the town. Simon next surprised six of the friendly Indians, whom he found drunk in the woods. It was this same Simon who took captive Anthony Brackett and family at Casco and spared them all, yet Hubbard calls him "an arch traitor."

Belknap says that the perfidious act of Walderne and company in capturing the Indians in the sham fight "was highly applauded by the general voice of the colony." We wish the Quakers had handed down their opinion of the act. Two days afterward the forces under Walderne and Frost proceeded eastward against the Indians, who were causing alarm everywhere. Blind Will, a Sagamore, who lived near Cochecho, and eight of his men acted as pilots or guides through the forests. They found the settlements destroyed or deserted and so returned home.

The Sagamore Mogg gave out the report that many Indians were at their fort near the Ossipee ponds, and an expedition was sent against them. Some English carpenters had built a fort for the Indians as a defense against the dreaded Mohawks. The expedition returned after nine days, not having seen an Indian. It was the first of November, but the snow was deep, the ponds were frozen and the way was rough.

In 1677 an expedition, consisting of two hundred men, sixty of them being Natick Indians, sailed from Boston, under command of Major Richard Walderne, against the eastern Indians. He had a skirmish at Casco, built a fort on the Kennebec, and had a narrow escape from capture at Pemequid, where he thought he discerned treachery at a conference with the Indians. A fight ensued and seven Indians were killed, among them being the sagamore "Matthando with an old Powaw, to whom the Devil had revealed, as sometime he did to Saul, that on the same day he should be with him; for he had a little before told the Indians that within two days the English would come and kill them all, which was at the very same time verified upon himself," as Hubbard says. On this marauding expedition the English took much plunder from the Indians, a thousand pounds of dried beef and between thirty and forty bushels of good wheat, one or two great guns and some anchors from Sagadahock, and a hun-

dred thousand feet of boards from Arrowsick. It pays to exterminate the heathen, although modern missionaries would have converted them at far less expense. Only thirteen Indians were killed on this expedition, without the loss of a whiteman.

Some had qualms of conscience and thought that it was wicked to employ the fierce Mohawks to kill off the eastern Indians, but their scruples were quieted on being reminded that Abraham made alliance with the Amorites for the rescue of his kinsman, Lot. Two agents were sent to incite the Mohawks to war. The latter came on to near Cochecho, whence Blind Will and seven other Indians were sent out to parley with them. Blind Will was wounded, dragged away by the hair and perished in the woods. Only two or three of his companions escaped. It was learned that the Mohawks planned to kill all eastern Indians, whether they were friendly or hostile to the English. The friendly Indians, learning this, mistrusted their English neighbors and listened to the seductions of the French, who in a few years made use of them to scourge the settlers. Thus the employment of western Indians against eastern Indians made all the Indians of Maine and New Hampshire hostile and was the source of many calamities.

In the spring of 1678 Major Nicholas Shapleigh, Captain Francis Champernowne and Mr. Nathaniel Fryer were appointed commissioners to make a treaty of peace with Squando, the sagamore of Saco, and other chiefs. This was effected at Casco, and the Indians there brought in their captives and surrendered them. The treaty stipulated that a tribute should be paid to the Indians annually of one peck of corn for each family, as a sort of ground rent for the use of their land, and that one bushel should be paid for Major Bryan Pendleton, who then owned a large tract of land near the mouth of Saco river. Was this the beginning of our national policy of dealing out rations and clothing to western Indians, in order to keep them contented? Is it tribute or belated payment of ground rent?

The wish has been expressed that we might hear the Indians' side of the story. Here is a little fragment of it. In 1677 a document was signed by nine Abenaki Indians. They say, "Because there was war at Narragansett, you came here when we were quiet and took away our guns and made prisoners of our chief sagamores; and that winter, for want of our guns, there

was several starved. Is it your fashion to come and make peace and then kill us? Major Waldin do lie; we were not minded to kill anybody; he give us drink, and when we were drunk, killed us."

Belknap says that arms had been supplied to the Indians by Baron de Castine, but it is well to listen to Edward Randolph in his report to the Council of Trade. He says that the government of Massachusetts in 1657 sought to monopolize the Indian trade in furs and peltry. Nobody could trade with them without a license, and such as were licensed could sell to the Indians guns, swords, powder and shot, paying to the government three shillings for every gun sold, three shillings for a dozen swords, six pence for a pound of powder and six pence for every ten pounds of shot. Thus the Indians got their arms and ammunition, and the government got some revenue and the massacre of its frontier families. He says that in King Philip's War about six hundred men and twelve captains were slain out of the ranks of the colonists, "whilst the church members had liberty to stay at home and not hazard their persons in the wilderness." Moreover, the settlers had twelve hundred houses burned, eight thousand cattle killed and many thousand bushels of grain destroyed, making the loss of property equal to one hundred and fifty thousand pounds. The Indians lost their homes, their lands, about all their property, and three thousand men, women and children killed. King Philip was robbed of Mount Hope, driven into the swamp and hunted down like a fugitive slave. Randolph mentions among the causes of the war that the Indians had been taught to love strong drink to the extent that "they would strip themselves to the skin to have their fill of rum and brandy." The Massachusetts government made a law that every drunken Indian should pay a fine of ten shillings or be whipped, and many of the poor wretches offered their bare backs to the lash because they were unwilling or unable to pay the fines. Since no profit accrued to the government from whipping, the law was changed, substituting for whipping ten days' work, which the Indians resented more than the whipping. Randolph says, too, that the praying Indians of Natick were taught to use arms and were exercised as trained bands, under officers of their own. They learned to watch and fight as well as pray and were "the most barbarous and cruel enemies to the

English above any other Indians, Captain Tom, their leader, being lately taken and hanged at Boston with one other of their chiefs." These praying Indian chiefs were supposedly among the number kidnapped by Major Walderne at Dover.²

² N. H. Prov. Papers, Vol. I, pp. 339-345.

Chapter V

NEW HAMPSHIRE A ROYAL
PROVINCE

Chapter V

NEW HAMPSHIRE A ROYAL PROVINCE.

Jurisdiction of Massachusetts Inhibited—John Cutt First President—The Council a Court of Record—Liberty of Conscience Allowed only to Protestants—Defect of the Commission—Sketches of First Councilors—Address to General Court of Massachusetts—Conflict with Heirs of Mason—Superstition—First Laws—Sixteen Crimes Punishable with Death—Wearing of Capital Letters—Conditions of Becoming Freemen—Laws of New Hampshire Disallowed by England—Later Code—Randolph and Barefoot again—Robert Mason as "Lord Proprietor"—Richard Chamberlain Secretary—Condition of the Province in 1670-80.

THE royal commission for the government of New Hampshire, similar to the government of Virginia and New York, is dated September 18, 1679. It recounts that the authorities of Massachusetts had illegally taken upon themselves to organize a government and exercise jurisdiction over the inhabitants of Portsmouth, Hampton, Dover, Exeter and other places north of their true boundary, which was three miles north of the Merrimack river. Such jurisdiction is inhibited and restrained. The government of New Hampshire had never been granted to any person or persons whatsoever. For the protection and defense of the rights, liberties and properties of the inhabitants and that impartial justice may be administered the king appoints a president and council, naming John Cutt, Esq., of Portsmouth, as first president, and as councilors Richard Martyn, William Vaughan and Thomas Daniel of Portsmouth, John Gilman of Exeter, Christopher Hussey of Hampton and Richard Walderne of Dover. These together were authorized to make choice of three more councilors. The president was given authority to choose his deputy from the members of the council, and the president or his deputy and five councilors constituted a quorum. Nobody could sit and vote in the council till he had taken the following oath of allegiance:—

You shall swear well and truly to administer justice to all his Majesty's subjects inhabiting within ye Province of New Hampshire, under this

government: and also duly and faithfully to discharge and execute the Trust in you reposed according to the best of your knowledge. You shall spare no person for favor or affection, nor any person grieve for hatred or ill will. So help you God.

The president and council thus appointed were required by the commission to meet within twenty days after its arrival, "all excuses whatsoever set aside." They were constituted a court of record, for administration of justice in civil and criminal cases according to the laws and customs of England, with right of appeal to the king and his privy council in any case concerning title to land or other real estate, or in any personal action or suit above the value of fifty pounds, every appellant giving good security to pay the costs, should the case be decided against him. In criminal cases no person could be deprived of life or limb without consent of the king and council, the case of wilful murder excepted. The president and council of New Hampshire were empowered to commission officers of the militia, who should repel attacks of the enemy. Liberty of conscience was expressly allowed to all Protestants, and the rites of the Church of England were to be particularly countenanced and encouraged. Taxes were to be levied as usual in the best manner possible, until a general assembly of the province be called and other method agreed upon. Such general assembly was to be summoned to meet within three months, who should make such acts, laws and ordinances as should be most for the public good, subject to the approval of the president and council and to be in force till the pleasure of the king and his council were known to the contrary. A transcript of all laws made was to be sent to the king by the first ship departing for England. In case of the death of a councilor the rest of the council should nominate three persons and send their names to the king, who would choose one of the three to fill the vacancy. The commission, moreover, recognized the rightful claims of Robert Mason as proprietor of the lands granted to his grandfather, and the president and council were urged to reconcile all differences of claimants, if possible, and if not, to send statement of such cases to the king, together with their own opinions. The weak part of this commission, which was equivalent to a constitution, was the following:—

We do hereby declare, that We, our heirs and successors, shall and

will observe and continue this method of grace and favor towards our loving subjects, in convening them in their Assembly, in such manner and form as is hereinbefore mentioned and provided, unless, by inconvenience arising from thence, We, our heirs or successors, shall see cause to alter the same.

This was a gift with a string to it. The same power that could give could take away. The representatives of the people could be dismissed at the wish of the king. They were free to do his will, not their own. So long as his will and theirs coincided, all would be well for both. In any event his will must be done. This was unlimited monarchy concealed under the form of a representative government. Under a wise and benevolent sovereign such a form of government was well adapted to the wishes of the colonists, who preferred, as Canada and Australia now prefer, to retain a governmental connection with the mother country. In reality all people prefer to govern themselves, to be independent of the control of others, but since they need the help of others for protection and prosperity, civilized people will submit to be indirectly governed, and often they submit long to misgovernment rather than imperil the small amount of liberty they have.

There were wisdom and cunning in the choice of the president and council. All of them were Puritans and in favor of the jurisdiction of Massachusetts. They were the leading men of their towns simply because those who differed from them could not get themselves appointed to positions of power. The king's council had not been duped. They knew well the character of the men named in the commission. They knew that the appointment of these men would create less friction and discontent than the appointment of churchmen and royalists. After the new form of government had been once accepted, it would be easy to make changes in the composition of the council. Doubtless the men named in the commission were surprised and the political leaders of Massachusetts smiled grimly, when the names were first heard. Some of the men appointed at first refused to qualify as councilors and were minded to reject the office and honor conferred, namely, Richard Walderne and Richard Martyn, but concluding that if they did not serve in the council other men might be appointed who would be less favorable to their inter-

ests and more inclined to admit the claims of Robert Mason, reluctantly took their seats in the council after the limit of twenty days had nearly expired. At first they were in favor of rejecting the plan of the king outright, but John Cutt was less headstrong and purposed to obey orders. The commission was brought to Portsmouth by Edward Randolph on the first day of January, 1680; the councilors took their oaths of office on the twenty-first of January, and the commission was published the next day. It is probable that the names were suggested in London by Robert Mason or Edward Randolph in a conciliatory spirit, thinking thus to content the opponents of Mason and win them to obedience to the king's wishes. The council chose three others to sit with them, according to instructions of the commission, and these were Elias Stileman of Great Island, Samuel Dalton of Hampton and Job Clements of Dover. Something more about these men may be of interest.

President John Cutt was reputed to be the wealthiest man in the province. He lived in the Great House, where his brother, Richard Cutt, had lived till his death in 1676, and he owned the greater part of the lands connected therewith, the old Strawberry Bank. The Combination of 1640 had a way of making grants of Mason's property to suit themselves, and as usual to him that had was given. The wealthiest got the best lands and the largest quantities. John Cutt and his brother Richard served often as selectmen, and their sons-in-law were sharers with them of political power. These were Richard Waldron, Jr., Samuel Penhallow, William Vaughan and Thomas Daniel, all men of wealth and station. Richard Cutt was deputy to the General Court of Massachusetts six terms and associate judge. In the division of lands in 1663 John Cutt had four hundred acres, the largest allotment, and Richard Cutt had three hundred and fifty acres. John Cutt was inclined to admit the claims of Mason and was willing to compensate him for the lands he enjoyed. There is no record that he ever did so. He died April 5, 1681, at an advanced age. His surname has been perpetuated by the descendants of his brother, Robert Cutt, or Cutts, a wealthy ship-builder of Kittery.

Richard Martyn received an allotment of sixty-two acres of land in Portsmouth in 1660. His first wife was a daughter of Richard Cutt, and that is enough to account for his prominence.

He served several years as selectman and twice as deputy to the General Court of Massachusetts. He was the first treasurer of the royal province, being removed from office in 1683 by Governor Cranfield. He was sued by Cranfield and by Mason for the fines and forfeitures received by him as treasurer and distributed for the government of the province with the approval of the council. The decision against him by the council of New Hampshire was reversed by the king's council on appeal. He was appointed judge of the court of common pleas and later was chief justice of the supreme court of judicature, holding this office till his death, April 2, 1694. His second wife was Mary, widow of John Denison and daughter of Samuel Symonds of Ipswich. His third wife was widow of Samuel Wentworth. He left sons, Michael and Nathaniel, and three daughters, Sarah who married John Cutt, Hannah who married Richard Jose, and Elizabeth who married Edward Kennard. That he was opposed to the claims of Mason and to the royal government appears by the following depositions, made April 7, 1681:—

John Rand and John Bickford of Oyster River testified "that in february last they with several others came to Portsmouth to agree with Mr. Mason for a confirmation of their lands; they met with Richard Martin, one of the Councill, who dissuaded them from going to Mr. Mason and did tell them that neither the King nor Mr. Mason had no more right to any lands in New England than Robin Hood, and that the Councill were resolved to oppose him."

Joseph Smith of Oyster River testified that "about the beginning of March last he heard Richard Martin Esqr, one of the Councill, to say That the King had nothing to doe in this province nor could grant any lands therein."

William Vaughan is said to have been a Welshman, bred in London under the care of Sir Josiah Child. He is first mentioned in Portsmouth in 1666, then being a merchant of distinction. He married, December 8, 1668, Margaret, daughter of Richard Cutt, by whom he had two sons and six daughters. He sat as justice and judge. Not being in harmony with Governor Cranfield, he was imprisoned by the latter and remained in confinement on Great Island nine months, whence he wrote a long and illuminating letter. Again he became a member of the council and in 1693 was appointed treasurer. He also served as recorder, major in

the militia, and chief justice of the superior court, serving from 1708 till 1716. He died in 1719.

Thomas Daniel appears in Portsmouth in 1669 as a juryman. He served as selectman six years and is called captain in 1676, when he was one of the commissioners to make peace with the eastern Indians. He was associate judge in Portsmouth and in York county. He died in November, 1683, and his widow, who was Bridget, daughter of Capt. Richard Cutt, married Thomas Graffort. There is no record of any children.

John Gilman of Exeter, was a son of Edward Gilman of Hingham, England, who came to Boston in 1638. He was elected a selectman more than a dozen times, commissioner, lot-layer, surveyor of town line, captain and associate judge before being nominated as councilor. He had a grant of two hundred acres of land in 1652, an exclusive grant of water for his grist-mill in 1670, another grant of six hundred acres in 1674 and a hundred more in 1702, so that he cannot be blamed for steady opposition to the claims of Robert Mason and heirs. He was speaker of the House in 1697 and again a delegate to the Assembly in 1697. He married Elizabeth, daughter of James Treworgy and had six sons and ten daughters. He died July 24, 1707, aged 84. Among his descendants have been many distinguished men.

Christopher Hussey was born at Dorking, in Surrey, England. He married Theodate, daughter of the Rev. Stephen Bachiler, and came to Lynn in 1630, whence he removed to Newbury and later to Hampton. He was one of the most prominent men of Hampton, serving as justice of the peace, lot-layer, moderator of town meetings, town clerk and selectman. He was deputy or representative of the town to the General Court of Massachusetts in 1658-60. Two hundred and fifty acres of land were granted to him. He is called lieutenant and captain. Mason won a suit against him, and he was imprisoned, where he was forbidden to work and forced to live on the charity of his friends. He is said to have been cast away on the coast of Florida in 1685, then eighty-seven years old. The family has been well represented in Quaker annals.

Richard Waldern, as he spelled his name, was born in Alcester, Warwickshire, about 1615. He came to Dover Neck in 1635 and there purchased land of Capt. Thomas Wiggin. Then he

went back to England, married and returned before 1640, settling at Cochecho Falls. Here he built mills and had large grants of land. He may be regarded as the founder of the city of Dover. He built the meeting house on Dover Neck in 1654. He was six times deputy to General Court from Dover, once from Saco and once from Kittery, and seven times he was elected speaker of the House of Representatives. He was an associate or magistrate in both Norfolk and York counties. As a military man he is most famous, serving as captain and major and commanding expeditions against the Indians. We have already noticed the part he took in the first Indian war and also his persecution of the Quaker women. We shall have occasion to speak of him often as a member and vice president of the council and opponent of the claims of Robert Mason. He was strongly in favor of the jurisdiction of Massachusetts, and the honors conferred upon him gave him good reason to support the claims of that government. The following depositions throw some light upon the spirit in which he acted and his great influence in political matters:—

April 7, 1681. Philip Chesey [Chesley] of Oyster River testified that in the year 1665 Major Walderne did say unto him, "You are one of those that petition to have kingly government. You shall have a king and I will be your king," and he hath ever since oppressed the inhabitants.

John Michelmores of Oyster River testified that "major Waldern in the month of february last said unto him, You Michelmores, you have been with Mr. Mason for a confirmation of yor Lands, for which I will smoke you over the Coales."

Robert Watson of Oyster River testified that "Major Waldern in february last in the town of Dover did advise severall people not to agree with Mr. Mason for confirmation of their lands, upon hopes there might be alteration of the government in England, and further said that if he were dispossessed of his lands by the powers now in England yet he was certain upon the change of government he should be restored."

May 8, 1681. William fforbes [Furbish] of Newichawannock [upper Kittery] testified that "about two years since he being at the house of Joseph Hammond in the towne of Kittery in the province of Maine Major Waldern, now one of the Councill, took out of his pockett a paper which he read, being in derision of the government of England, and after some discourse said these words, There was no more a king in England than thou, Richard Nason, unto whom he then spoke."¹

He was fined five pounds for mutinous and seditious words

¹ Colonial Papers, Vol. XLVI, No. 118. Manuscript copy in library of N. H. Hist. Soc'y.

and was prosecuted and fined ten pounds for the following language, as affirmed by Robert Mason, Richard Chamberlain and Joseph Raynes:—

Upon the third day of May 1681, Richard Waldron, Esq., of Cochecho, then Deputy President of this Province, did, upon ye said day above writt, at Strawberry Bank, declare about ye King's letter, then newly brought over by Robert Mason Esq., that they were not ye more bound to believe it because the King had writt it."

He evidently continued to speak against the king and his authority, for in 1685 he was arrested as a perturber of the peace. After this he remained without office. The manner of his death will be told in another chapter.²

Elias Stileman, born about 1617, was son of Elias Stileman, an early settler of Salem, Mass. He removed to Portsmouth before 1658. He was selectman at least fifteen times and deputy to the General Court six times, filling other minor town offices. As captain in the militia he had command of the fort on Great Island several years. He was first secretary of the Provincial Council, and in 1681 Deputy President. He represented Portsmouth in the Assembly in 1692 and 1695. He is called Major Stileman in 1692, when he was made chief justice of the court of common pleas. He died December 19, 1695, aged 78.

Samuel Dalton was son of Philemon Dalton and nephew of the Rev. Timothy Dalton of Hampton, who came from England to Watertown in 1635 and thence to Hampton in 1640. He was town clerk in 1653, selectman ten years and deputy to the General Court thirteen times. He was also a judge in Norfolk county and treasurer. Altogether he was one of the most prominent and useful men in his town, popular as a public official because of high character and abilities. He died August 22, 1681, having had six sons and eight daughters.

Job Clements was son of Robert Clements of Haverhill, Massachusetts, who came over in 1640. He removed to Dover in 1652, living as a tanner on Dover Neck. He had large grants of land, was selectman six years and commissioner for the trial of small cases. He died in 1683 while holding the office of counselor.

² Coll. of N. H. Hist. Soc'y. Vol. VIII, p. 330. The excellent biographical sketches of the Councilors, contained in that volume, have here been utilized.

All of the first councilors had lived in New England between thirty and forty years and knew well the wishes and needs of the people. All were opposed to the claims of Robert Mason, except perhaps Job Clements. All were men of considerable wealth, gained in commerce. The planters were not represented in the council. Indeed not many of them were permitted to vote and send representatives to the Assembly. The selectmen of the four towns sent to the president and council lists of the names and estates of the inhabitants. The council selected from these lists the names of such persons as they judged qualified to be voters and great complaint was made that many fit persons were left out of the lists. Thus the council had opportunity to determine indirectly who the assemblymen should be, and they doubtless improved the opportunity. The number of qualified voters in Portsmouth was seventy-one; in Dover, sixty-one; in Hampton, fifty-seven, and in Exeter, twenty, making a total of two hundred and nine voters out of about five hundred that paid taxes the same year. The election of the assemblymen was held March 9, and the deputies chosen were, for Portsmouth, Robert Eliot, Philip Lewis and John Pickering; for Dover, Peter Coffin, Anthony Nutter and Richard Waldron, Jr.; for Hampton, Anthony Stanyan, Thomas Marston and Edward Gove; and for Exeter, Bartholomew Tippen and Ralph Hall. The Assembly met at Portsmouth March 16 and was opened by prayer and a sermon by the Rev. Joshua Moody. President Cutt named Richard Waldern as his deputy or vice-president; Richard Martyn was chosen treasurer and John Roberts marshal.

One of the first acts of the council was to address a letter to the General Court at Boston, in which they make it plain that it was not by their own act or choice that they were separated from the government of Massachusetts. All of them had held high offices under that government, and had been thus far enabled to hold on to their lands. Some aid also had been given them in the war with the Indians. Massachusetts allowed them to do about as they pleased so long as they upheld Puritan doctrines and customs and acknowledged the jurisdiction of the Bay Colony. In this letter they expressed their personal feelings, rather than those of the hundreds of planters whom they practically disfranchised:

Portsmouth, in ye province of New-Hampshire, May 25, 1680.

Much Honoured—The late turn of Providence made amongst us, by the all ordering Being, hath given occasion for this present application, wherein we crave leave, as we are in duty bound—1st, Thankfully to acknowledge your care for us and kindness while we dwelt under your shadow, owning ourselves deeply obliged that you were pleased upon our earnest request and supplication to take us under your government, and ruled us well whilst we so remained, so that we cannot give the least countenance to those reflections that have been cast upon you, as if you had dealt injuriously with us.

2dly. That no dissatisfaction with your government, but merely our submission to Divine Providence, to his Majesty's commands, to whom we owe allegiance, without any seeking of our own, or desire of change was the only cause of our complying with that present separation from you that we are now under; but should have heartily rejoiced if it had seemed good to the Lord and his Majesty, to have settled us in the same capacity as formerly. And withal we hold ourselves bound to signify, that it is our most unfeigned desire that such a mutual correspondence betwixt us may be settled as may tend to the glory of God, the honour of his Majesty, whose subjects we all are, and the promoting of the common interest and defence against the common enemy; that thereby our hands be strengthened, being of ourselves weak and few in number, and that if there be opportunity to be any wise serviceable to you, we may show how ready we are thankfully to embrace the same. Thus wishing the presence of God to be with you in all your administrations, and craving the benefit of your prayers and endeavours for a blessing upon the heads and hearts of us who are separated from our brethren, We subscribe

JOHN CUTT, President.

With consent of the Council & general Assembly.

On the 29th of March the president and council had addressed a letter to King Charles II, obsequiously submitting to be separated from "that shadow of your Majesty's authority and government under which we had long found protection, especially in the late war with the barbarous natives." They express themselves as "deeply sensible of the disadvantages likely to accrue to your Majesty's provinces and ourselves, more especially by the multiplying of small and weak governments, unfit either for offense or defense." They express the hope of royal protection against any pretended claimers to

their soil and mildly caution him against malevolent spirits, disposed to misrepresent them.

In a second letter to the king, dated June 11, 1680, they again allude to "pretended claimers to our soil" and reiterate their own claims, based upon purchase from the Indians, the natural proprietors thereof, long and quiet possession, and defense of it against a barbarous enemy "with our lives and estates." They humbly suggest that the allowance of appeals, mentioned in the king's commission, may obstruct justice. If once they could do away with this safeguard to personal rights, they could do what they pleased with the claims of Mason. It would be like trying a case of larceny with the thieves themselves as judge, jury and witnesses, and no appeal allowed from their decision in their own favor. As for purchase of their lands from the Indians, repeatedly stated in various letters and papers, there is no record of such purchases, except in the sale of Exeter by Wheelwright and company from four Indian chiefs, and some sworn testimony that Dover men bought land of the Indians down as far as Lamprey river. We find no evidence whatever that Portsmouth and Hampton were so purchased. The claim may rest upon tradition then well known. One might as justly buy a township or a county of an Apache chieftain in Arizona for a blanket and then claim that it all belonged to such a purchaser, in opposition to the claim of the government of the United States.

A fast had been ordered for the seventeenth day of March because of sundry tokens of divine displeasure, such as the sickness of President Cutt and the appearance of "that awful portentous blazing star, usually foreboding sore calamity to the beholders thereof," thus showing the superstitious feeling that the wisest and best men of the time had. They disclose also an inward trembling because of the "great thoughts of heart in our brethren and neighbors as they are circumstanced," for they did not dare to put the case more strongly against the decision of the king, for whose health and prosperity they urge the people to pray. All servile labor was inhibited, and the people were exhorted to "fervently wrestle with the Lord."

The laws framed by the General Assembly and approved by the president and council bear date of March 16, 1680, but

in the letter to the king, dated June 11 of the same year, they say,

According to your Majesty's command, we have, with our general assembly, been considering of such laws and orders as do, by divine favor, preserve the peace, and are to the satisfaction of your majesty's good subjects here, in all which we have had a special regard to the statute book your majesty was pleased to honor us with, for which, together with the seal of your province, we return most humble and hearty thanks; but such has been the hurry of our necessary occasions, and such is the shortness of the summer (the only season to prepare for a long winter) that we have not been capable of sitting so long as to frame and finish aught that we judge worthy to be presented to your royal view; but shall, as in duty bound, give as speedy a dispatch to the affair as possible.

It seems that the laws as first framed lacked mature consideration and the framers thereof were in doubt concerning the substance and form of some of them. For this reason, perhaps, they were ready to listen to objections raised against some of them after the arrival of Governor Cranfield and Secretary Chamberlain. A comparison of the first code of laws, made in 1680, with those made in 1682 reveals some interesting modifications, softening the severity of some penalties. It has been often said that the laws were modeled after the laws of England, but it would be more exact to say that they were modeled after those of the Plymouth and Massachusetts Bay Colonies, which, in criminal matters at least, were almost a transcript of the Mosaic code.³

The preamble, after an allusion to the Liberties, Immunities and Properties such as belong to free borne Englishmen, makes a broad statement, equivalent to a Bill of Rights or compact Constitution, claimed by themselves rather than granted by the king. "It is ordered and enacted by this Generall Assembly and the authority thereof, that no Act, Imposition, Law or Ordinance be made or imposed upon us but such as shall be made by the said Assembly and approved by the President and Council from time to time. That Justice and Right

³ For an able paper on the history of colonial laws of N. H. see address of John M. Shirley, Esq., in proceedings of N. H. Hist. Society, Vol. I, pp. 232-333.

be equally and impartially administered unto all; not sold, denied or causelessly deferred unto any." Thus they assumed to be a law unto themselves. They wanted to make all their laws and suffer no appeal to the king. This could hardly be called a royal government. Two years later this was changed to the following, "Be it enacted by the Governor, and with the advice and consent of the Council and Assembly, and it is hereby enacted by the authority aforesaid, that justice and right be equally and impartially administered unto all men, not sold, denied, or causelessly deferred unto any."⁴

Sixteen crimes were punishable with death, namely, idolatry, blasphemy, treason, public rebellion, wilful murder, manslaughter, murder occasioned by passionate anger, witchcraft, bestiality, sodomy, false witness for the purpose of taking away a man's life, man-stealing, cursing or smiting of parents, extreme cases of rebellion against parental authority as testified by the parents themselves, rape, and arson. The low moral tone of the age is shown in fixing "the age of consent" at ten years. If a maid above that age consented, the crime could not be called rape. Of course some of these offenses never could be ferreted out and proved, and the laws were dead letters upon the statute books. What parents would bring a rebellious son of sixteen years of age before the magistrates and ask that the son be put to death on their testimony? If all blasphemers were punished as the letter of the law required, the population of New Hampshire would have grown sparser with great rapidity.

The law against adultery was specially severe. Both parties were to be publicly whipped twice, once when the court was sitting, and once at such time and place as the court should order, "not exceeding 40 lashes," and also both parties were to wear the capital letters A D cut out in cloth and sewed on the arms or back of their uppermost garments; in case they neglected to do so, they were to be whipped as often as they were found without such letters. In the year 1682 a fine of ten pounds was substituted for the whipping. Fornication was made punishable "either by injoining marriage, or fine or corporal punishment, or all or any of these," as the judges might determine. This gave

⁴ N. H. Prov. Papers, Vol. I, pp. 382, 444.

dangerous power to the judges, and in 1682 the penalty was fixed at a fine of five pounds. If children were born too soon after marriage, the parents were fined fifty shillings apiece or publicly whipped. The severity of such laws did not prevent nor conceal the evil practices. Like fines for drunkenness, they only gave fees to the courts.

The enforced wearing of capital letters upon the garments was meant to hold the criminal up to public scorn and derision and thus act as a preventive of crime. The burglar, for the first offence, was branded on the right hand or forehead with the letter B. For the third offence he might be put to death. It is not known whether any criminal ever actually wore such letters in New Hampshire and thus publicly advertised his disgrace, although some were so sentenced. It is difficult to believe that such methods of punishment ever reformed a criminal, but the reform of evildoers was never taken into consideration in the criminal courts of those times. To put a violator of law on probation would have been considered extreme folly. The majesty of the law must be vindicated, if half the population had to be whipped or go to jail.

The President and Council with the General Assembly were a supreme court of judicature, and three inferior courts were held at Portsmouth, Dover and Hampton. All trials were by a jury of twelve men, according to English custom, with right of either party to challenge any jurymen for just and reasonable cause, and in case of life and death the prisoner had liberty to except against six or eight of the jury without giving any reason for his exceptions.

Only freemen had the right to vote, and the conditions of becoming a freeman were, that one should be an Englishman and a protestant, a settled inhabitant and freeholder in some town in the province, of the age of twenty-four years, not vicious in life but of honest and good conversation, having twenty pounds of rateable estate and having taken the oath of allegiance to his Majesty and to no other. Such persons might vote for officers of the province and of their respective towns. It was in the power of the President and Council to determine who met all these conditions, a dangerous power, the abuse of which was complained of.

One of the general laws seems to have been enacted for the

purpose of excluding the claims of Robert Mason. "To prevent contention that may arise amongst us by reason of the late change of government it is ordered by this Assembly and the authority thereof that all land, townships, town grants, with all other grants lying within the limits of this Province, and all other rights and properties shall stand good and are hereby confirmed to ye towns and persons concerned, in the same state and condition as they did before this late alteration." Any differences or controversies about titles to land were to be finally determined by a jury of twelve men, chosen by the freeman of each town. The revision of the laws made in 1682 declared this method of choosing jurymen to be contrary to the known laws and customs of England, and ordered that jurymen should be empaneled by the sheriff or marshal of the Province, and whoever was thus legally summoned and returned of the jury and failed to appear without satisfactory excuse should forfeit twenty shillings for his default. The right of determining titles to land, thus summarily assumed, was set aside under the administration of Governor Cranfield, and the government of New Hampshire was taught that it took more than one to make a bargain, and that a majority vote in a town meeting was not enough to quiet the claims of a proprietor to whom lands had been granted by the King of England.

It seems that the whole body of laws enacted during the first year of the royal province, when sent to England for approbation, was disallowed, and in 1682 other laws were enacted by "the Honorable, the Governor, with the advice and consent of the Council and General Assembly," in which latter code there were many modifications and omissions of statutes contained in the first. In the first code no authority was acknowledged but the General Assembly. The people of New Hampshire assumed too much, having been taught so to do by the government of Massachusetts. Both colonies had to learn that neither the charter of the latter nor the commission of the former was intended to grant independence of all authority in England, with only a nominal allegiance to the king.

Edward Randolph had been appointed collector, surveyor and searcher of the customs in New England, and he made a deputy of Walter Barefoot, who is called both doctor and captain. The authority of both was denied by the government at Ports-

mouth, and Mark Hunking brought action against Randolph for seizing his ketch, bound from Maryland to Ireland, which had put in at Portsmouth. He was allowed damages and costs to the amount of thirteen pounds, and an appeal was made by Randolph to the king. He advertised that all vessels should be entered and cleared with Captain Walter Barefoot, whereupon the latter was indicted before the president and council for "having in an high and presumptuous manner set up his majesty's office of customs without leave from the president and council; in contempt of his majesty's authority in this place; for disturbing and obstructing his majesty's subjects in passing from harbor to harbor and town to town; and for his insolence in making no other answer to any question propounded to him but "my name is Walter." He was sentenced to pay ten pounds, although both Randolph and Barefoot seem to have been within their rights. The president and council then appointed officers of their own to execute their own orders as to trade. They equally hated Randolph and any interference with what they assumed to be their rights and liberties.

On the thirtieth day of December, 1680, Robert Mason was admitted to a seat in the Council, by virtue of a mandamus from the king, dated October 1, 1680. The royal purpose was thereby to give an opportunity to Mason to press his claim as proprietor of the soil of New Hampshire. The mandamus states that the quit rent to be exacted should not exceed six pence in the pound yearly of every tenant, and nothing previous to June 24, 1679. The president and council were exhorted to settle all claims with him discreetly and equitably. Mason, styling himself lord proprietor of the province of New Hampshire, appointed, March 22, 1681, Richard Otis of Cochecho steward of all his lands lying in the township of Dover, as well as Newichawannock. All persons were forbidden to cut and carry away any sort of timber from said lands without license first obtained, threatening a prosecution in England before his majesty in council. Mason and his agents busied themselves in demanding rents, and some persons took from him leases of their lands, and some others were dissuaded from so doing by members of the council. Mason posted up certain "Declarations," one of which was torn down at Dover by Major Richard Waldern, saying that no such papers should

be set up to amuse the people. Much uneasiness was felt among the inhabitants. The council summoned Mason to meet with them, which he refused to do. When they threatened to deal with him as an offender, he published a summons to the president and council to appear before his majesty in three months. A warrant was issued for apprehending him, but he escaped them and returned to England.⁵

Meanwhile President Cutt had died, April 5, 1680, and Major Richard Waldern succeeded him in office, appointing Captain Elias Stilemen as his deputy, whose place as secretary had been filled by the royal appointment of Richard Chamberlain to that office. The vacancy in the council was filled by the appointment of Richard Waldern Jr. Anthony Nutter succeeded Samuel Dalton at his death. Henry Dow of Hampton was made marshal on the resignation of that office by John Roberts.

A vessel belonging to Robert Elliot was seized by Captain Walter Barefoot and his assistants, William Hoskins and Thomas Thurton, acting on the authority of Edward Randolph, collector of customs; yet Barefoot showed no such instructions nor any law or statute to justify his procedure. He was fined twenty pounds. Thomas Thurton, for abusive and contemptuous language, saying that the members of the council were rebels against the king and a parcel of rogues, was sentenced to imprisonment for one month in Hampton jail and to pay a fine of twenty pounds or be sold by the treasurer for the payment of said fine. A humble petition of his, begging for mercy, is on record. "To pay the sum required he cannot. To be sold runs him upon extremities."⁶

Richard Chamberlain arrived at Portsmouth December 24, 1680, and was received at the house of President John Cutt, to whom he delivered his commission as secretary of the province and clerk of the council. Four days later the council met and refused to deliver to him the records which were in the hands of Capt. Elias Stileman, the previous secretary. Indeed the duties and fees properly belonging to Chamberlain were distributed by the council among Stileman, who was named Recorder, Clerk of the Writs and Captain of the fort at Portsmouth,

⁵ Belknap's Hist. of N. H. Farmer's edition, p. 94.

⁶ Coll. of N. H. Hist. Society, Vol. VIII, p. 77.

Samuel Dalton, who performed similar duties at Hampton and Exeter, and Richard Martyn, who took account of all ships and other vessels coming in and going out. These Chamberlain, in his report to the Lords of Trade and Plantations, calls "parcel-Secretaries or Registrars of the Province," who shared the fees and profits that rightly pertained to the office of secretary. Chamberlain complained that the fees he received were so inconsiderable that they were not worth naming, and that no salary was allowed him. It seems thus to have been the policy of the Council to starve the young secretary out, he having, as he says, but the bare name of an office. The council also sought to impose upon him an oath of secrecy, so that nothing of their deliberations should be recorded or reported to the king except what they agreed upon. This he would not consent to, and then they asked him to withdraw, whenever they had any private business, saying that "they knew what they had to do." He also reports that the council proposed to Robert Mason at his first coming that each town of the province should raise a yearly rent payable to him under their management, but that he insisted upon dealing with each tenant separately and directly. In this proposal they appear to have acknowledged that he had a legal claim to annual rents, though in all their representations to the king and his council they denied the justice of such claim with many arguments. Chamberlain says that "it is nothing but interest that makes them stand out, and because they have given to one another great tracts of land of Mr. Mason's and have sold land to many persons without legal title and do apprehend ye purchasers, upon eviction or new agreement, will come upon them for ye purchase money." Here the whole truth seems to be stated in a nutshell. Very many of the planters were ready to make terms with Mr. Mason, had it not been for the dissuasion of the leading men, especially Richard Waldern and Richard Martyn. Reports were circulated that Mason designed to enslave the people, to make them pay two shillings for every chimney and ten shillings a year for every room they kept fire in, that they should neither fish nor fowl, and many such statements calculated to arouse the opposition of the small land-owners. Mr. Mason reported to the Privy Council that half the inhabitants of the province, and those of the better sort, came to him to have their lands confirmed, while the council of New

Hampshire reported at the same time to the king that the people are unwilling to live under the impositions which are inevitable under such a proprietor as Mason, and that these are "the generality of the whole province that are householders and men of any principles, port, or estate." Thus the witnesses contradict one another repeatedly, and the historian must act as judge in determining whose testimony should be received. Private prejudices warped judgments and twisted statements, but it seems clear that a small coterie of wealthy men at Portsmouth, greatly aided by Major Richard Waldern, sought by sophistical arguments and misrepresentations to hold on to property illegally gained. The justice of the law is not here considered, but, admitting that the king of England had right to grant land in New England to whomsoever he would at the beginning, as was generally admitted at that time, then Robert Mason's claim was valid and confirmed again and again by the highest legal authority in England.

It may be well to note the condition of the province at this time. In 1671 Robert Mason wrote that "New Hampshire is a place the best improved for land and most populated of any in those parts; abounding plentifully with corn, cattle, timber and fish; and the people live generally very comfortably and happy; having a great trade to all parts, and store of shipping at their town, Portsmouth, which exports and imports yearly some thousands of tons of goods, of their own growth and foreign. Goods exported yearly are 20,000 tons of deals and pipestaves, 10,000 quintals of fish, ten shiploads of masts, and several thousands of beaver and other skins. The imports are 300 tons of wine and brandy, 200 tons of goods from the Leeward Islands, and 20,000 tons of salts." In 1684, after the first Indian war, Simon Bradstreet wrote to Edward Randolph thus,—*"It is no small grief to us in Massachusetts to hear and see the miserable condition of our neighbors in New Hampshire; once a hopeful and flourishing plantation, but now in a manner undone,—no face of trade, nor care for anything else, their own vessels being afraid to come into their own ports, as some of them have declared unto myself."* These are partisan statements, and the middle ground of truth may possibly be found in a report of the council to the Lords of Trade and Plantations in 1681, as follows,—

There is at ye Great Island in Portsmouth at ye Little harbour mouth a ffort well enough situated, but for ye present too weak & Insufficient for the Defence of ye place, The Guns (being eleven in number) are small, none exceeding a Sacre, nor above 2100 waight; and ye people too poor to make defence suitable to ye occasion that may happen for ye ffort. These Guns were brought & the ffortification erected at the proper charges of the Towns of Dover & Portsmouth, at the beginning of ye first Dutch war, about the Year 1665, in obedience to His Majesty's Commands, in His Letter to ye Government, under which this Province then was. There are five Guns more lying at the upper part of Portsmouth purchased by private persons for their security and defence against the Indians in the late war with them; and wherof the owners may dispose at their pleasure. To supply ye aforesaid defect & weakness of the Guns & ffort We humbly supplicate His Majesty to send us such Guns as shall be more serviceable, with powder and shot agreeable. . . . The trade of this Province exported by ye inhabitants of its own produce is in masts, planks & boards, staves & all other lumber. Which at present is of little value in other plantacon, to which they are transported; So that we see no other way for the advantage of the Trade, unless His Majesty please to make our River of Pascataqua a free Port. Importacon by strangers, of little value; ships commonly selling ye cargoes in other Governments. And if they come here usually come empty, to fill with lumber: but if hapily they are at any time loaden with any fish, it is brought from other parts, there being none made in our Province.

In reference to improvement of the Land by Tillage, Our soil is generally so barren & ye winters so extremely cold & long, that there is not provision enough raised to supply ye inhabitants. Many wherof were in ye late Indian war so impoverished, their houses & estates being destroyed & they (& others) remaining still so incapacitated for ye improvement of ye land (several of ye youth being killed also) that they even grone under ye tax or Rate assessed for that service, which is yet (great part of it) unpaid to this day.⁷

⁷ Sanborn's New Hampshire, pp. 79, 80; N. H. State Papers, Vol. XVII, p. 542-3. Cf. Belknap's Hist. of N. H., Farmer's edition, pp. 94-5.

Chapter VI

GOVERNOR CRANFIELD'S ADMINISTRATION

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GOVERNOR CRANFIELD'S ADMINISTRATION.

Edward Cranfield Succeeds Major Waldern as Governor—Opposition Curbed—Authority of Cranfield—His Report to the King—Differences between the Planters and Robert Mason—Readiness to Fight for Property—Report of the Governor to Lords of Trade—Dissolution of the Assembly—Insurrection of Edward Gove—His Trial and Barbarous Sentence—Gove Imprisoned in Tower of London—His Property Confiscated—Pardoned after Three Years—Changes in the Council Made by Cranfield—Suits against Landowners—Petition Carried to the King by Nathaniel Weare—Imprisonment of William Vaughan—Letter of Vaughan—Arrest of Rev. Joshua Moody—Attempt to Impose Episcopal Rites upon Congregationalists—Enforced Taxation—Charges against Cranfield—His Deposition and Character.

THE Lords of Trade and Plantations made a report to the king, January 13, 1681-2, on the state of the colony in New Hampshire, in which they say, that "we doe find the Publick Acts and Orders (the most part of them) soe unequall, incongruous and absurd, and the methods whereby the Councill and Assembly have proceeded in ye establishment of the same soe disagreeable to the powers and directions of yr Majestys said Commission" that they recommended the appointment of "some fit and able person" to settle affairs in that place. The decision, doubtless, was reached through the influence of Robert Mason after his return to London. He despaired of accomplishing anything by himself and was irritated by the oppositions of the president and council at Portsmouth. A governor from England, with enlarged powers and authority, might bring to terms the leading spirits of New Hampshire and enable Mason to collect his quit rents. Accordingly on the ninth of May, 1682, Edward Cranfield was commissioned Lieutenant Governor and Commander in Chief of New Hampshire. Little is known of his previous life and family. He is thought to have been great-grandson of Edward Cranfield, who married Elizabeth, daughter of William Parker, Lord Monteaigle. He sold some office he had in the home government, with the hope of enrich-

ing himself in his provincial office of high-sounding title. By a deed Mason surrendered one-fifth part of the quit rents, which were in imaginary prospect, to the king, and thus perhaps obtained the appointment of Cranfield, who was further secured as an agent of Mason by mortgaging the whole province to him for a period of twenty-one years, as security for the payment of one hundred and fifty pounds annually, for seven years. With this security and with the fines and forfeitures which had already accrued to the crown and which might afterward arise Cranfield felt that his financial condition would be improved. Disappointment awaited him. No rents were collected and the fines and forfeitures had been already paid out by the treasurer.

Cranfield was instructed to repair to the province as speedily as convenient and there to call together the council to hear his commission read and to administer oath of allegiance to members of the council, judges and justices of the peace. If any members of the council refused to take the oath, their vacancies were to be filled by Cranfield, so that there should be seven members. Proclamation was to be made of his having been commissioned Lieutenant Governor and Commander in Chief. Richard Waldern and Richard Martyn, who were under accusations "of diverse high crimes & misdemeanors," were to be suspended as members of the council, until said accusations were looked into. He was also charged to take care that future meetings of the council should not be held at ordinaries, or taverns, and that not "any part of the revenue levied for defraying the charge of the government should be spent or dispersed in feasting or public entertainments." This was based on complaints of previous misconduct of such sort, on the part of the council. He was instructed to report quarterly as to proceedings of the council and especially as to disposal of public money. He was to notify the assembly that all laws and orders made by virtue of commission, dated September 18, 1679, be repealed and annulled, and he with the council and assembly was to make such laws as were proper. He was to care that all planters and their Christian servants be provided with arms, mustered and trained, to report imports and exports, and to encourage especially the Royal African Company of England, to assist neighboring plantations in case of distress and to call

neighbors to assistance in case of depredations by the Indians.

His commission gave him authority to suspend any of the members of the council, if he should find just cause for so doing, and if the number of councilors should ever be less than seven, to fill the vacancies by his own appointment out of the principal freeholders and inhabitants of the province, any members of the council that should be suspended or displaced being incapable thereby of serving as members of the assembly. Cranfield also was given power to negative, or veto, the making and passing of all laws, statutes and ordinances, and to prorogue and dissolve general assemblies, to establish as many courts of judicature and justice as he thought proper and to appoint judges, justices of the peace, sheriffs and other necessary officers, to pardon offenders and remit fines before or after sentence given, treason and wilful murder only excepted, and to grant reprieves even in such cases, until the king's pleasure might be learned. The rest of the commission is very similar to that given to John Cutt, first president of the council, and the instructions concerning the claims of Mason were the same, in substance. In addition to his other titles Cranfield was made vice-admiral. The councilors named in his commission were Robert Mason, proprietor, Major Richard Waldern, Thomas Daniel, William Vaughan, Richard Martyn, John Gilman, Elias Stileman, Job Clements, Walter Barefoot and Richard Chamberlain. All but the last two had been of the previous council.

Waldern and Martyn were suspended at once after the publication of the commission, October fourth, because of accusations made against them, the nature of which may be seen in the depositions previously cited. Six weeks later they were restored to their seats in the council, the accusations being deemed unproved. The council thereupon ordered an assessment of five hundred pounds and made a present of one-half of the amount to Cranfield. Thus there were mutual concessions, and the Governor seemed to be well pleased and reported to the Plantation office that, "Mr. Mason has much misrepresented the whole matter, the place not being so considerable, nor the people so humored as he reports. There are but four small towns, all impoverished by the expense of the last Indian war, and several hundred pounds in debt on that account. I find

them very loyal to His Majtie & willing to do what is within their reach for ye upholding of ye Government, but no way capable of doing so much as hath been pretended. And instead of being ready to own Mr. Mason as their proprietor they are very slow to admit of any person except their Sovereign Lord the King to be their Lord Proprietor & However they might at first complement in that matter, few or none (so farre as I can learn) are willing to comply (some few Quakers & such like excepted & those upon no other terms than upon ye conditions of his recovering ye whole) but ye general desire of ye Province is for a determination of ye case by Law, so that I humbly conceive Mr. Mason hath taken wrong measures for his procedure. He concluded upon ye laying aside of Mr. Waldron & Martin & discountenancing ye Minister of ye principal place in ye Province that he should have frightened ye People into a compliance with him, but finds himself mistaken. Wheras had he desired & obtained an order for a Tryall upon ye place, he had been in my opinion one step nearer ye end of his business than he now is....I have been not fairly treated by Mr. Mason & Chamberlain for refusing to gratifie them....Had I yielded to such violent courses as they urged, I should have greatly amazed, disturbed and prejudiced the people and in no ways promoted His Majties interest & Honour, which is so every way superior to the satisfaction of any private person." Then he goes on to criticize the judgment and abilities of Mr. Chamberlain, thinking him poorly qualified for his office and much dejected through poverty. "Touching ecclesiastical matters, the attempt to settle the way of the Church of England I perceive will be very grievous to the people, however Mr. Mason asserted that their inclinations were much that way. I have observed them to be very diligent and devout in attending on that mode of worship which they have been brought up in." Thus Cranfield writes at the beginning of his administration, but soon he changes his mind and adopts with emphasis the opinions of Mason and Chamberlain. Indeed he far outdoes them in the harshness of measures proposed. It is noticeable that some succeeding governors of New Hampshire, as Usher and Belmont, entered upon the duties of their office with the same conciliatory spirit, taking the part of the council and assembly, and that they also soon recognized their mistake and reported

that the people of New Hampshire were disloyal and wanted no government but their own. Cranfield has been represented as a harsh, unjust and tyrannical ruler; it seems that he was goaded to harsh speeches and severe measures by the obstinate spirit and conduct of those who were determined to resist the orders of the king and not to recognize any claims of Robert Mason. In the same letter Cranfield adds that the old record book has been found, in which it appears that "in Capt. John Mason's life time ye inhabitants being wholly without government, were forced to enter into a combination to govern themselves by His Majtes laws as well as they could,—... Also they petitioned ye Massachusetts to take them under their government when they found by experience that they could not govern themselves. And as for taxes, the people own that ye Massachusetts have expended several thousand pounds for them in ye Indian war, that they never had any compensation for." This also shows that Cranfield entered upon his administration with a disposition to listen to the opinions and wishes of the people of New Hampshire, but they wanted more than he or the king could grant. They were as stubborn as he and would have exercised power as arbitrarily, had they possessed it. It was a conflict between pecuniary interests, and what will not men in general do for the defense of their property? What will not greed do to gain more? It may be well to state here as clearly as possible the difference in point of view between the claimants in this long Masonian controversy. The planters of New Hampshire stood upon their natural rights; Mason upon his legal rights. The former pleaded that they had purchased their lands of the Indians, a statement that was true only in part, and, moreover, the prices paid were no fair equivalent for the lands received; Mason pleaded that the lands had been granted to him as proprietor by the king of England, who obtained them by discovery and conquest of his subjects, and such a claim had long been allowed by feudal law. The planters truly stated that the wilderness had been subdued and brought into a state of cultivation by their own unassisted labors and that Mason had done nothing for the province; Mason, on the other hand, asserted that his grandfather had built houses and cleared lands at Little Harbor and Strawberry Bank and had expended altogether twenty thousand pounds in the colonization of the

province, to which the reply was that most of this was expended at Newichawannock (South Berwick) in the province of Maine. The planters argued that they had defended their lands and homes against the Indian enemy, at great cost of property and life, and without any assistance from the heirs of Mason, to which there could be no reply. Another argument of the planters was that they had held uninterrupted possession of their lands for fifty years, no quit rents having been demanded during that time; and the reply was that the death of Capt. John Mason, the unfaithfulness of his stewards and servants, the troublous times in England and the youthfulness of his immediate heirs had prevented the pressing of just claims, but that again and again the king and highest legal authority of England had admitted the justice of Mason's claims. According to the laws of England the settlers were squatters on lands belonging to Mason; according to natural law the settlers had a better right than the king of England to the soil they cultivated. What reason is there, in the natural fitness of things, that William the Conqueror should own and distribute as he chose all the conquered estates of England? What natural right had the king of England to lands in America, simply because some of his subjects had discovered the same? Such assumed rights were founded on laws made by the rich and powerful for their own convenience and pleasure. Theirs was the right of might, lording it over weakness and ignorance of the many.

An anecdote may illustrate the position of the New Hampshire farmers. An Irishman was found, one Sunday morning, poaching on a Scotchman's estate, and was ordered off by the Scotchman, who claimed that the land and all thereon belonged to himself. "And how did you get it?" asked Pat. "I inherited it from my father," was the reply. "And how did he get it?" Pat again asked. "He inherited it from his father," "And how did he get it?" Pat continued to ask and pressed the Scotchman back to his earliest known forebear, who, as he said, fought for it and thus grounded original rights. "Well, bedad," said Pat, "I am ready to fight you for it." Thus he would establish as just a claim as the Scotchman had. Just so the planters of New Hampshire were ready to fight for their lands with such weapons as they could use, delays, evasions, misinterpretations, refusals to obey royal orders, legal technicalities, imprisonments

and fines when they could impose such. Only a few, like Waldern and Martyn, had the courage and wisdom to come out boldly and say, The lands are ours by purchase, conquest, defense, improvement and long use, and the king has no rights here whatever. Such men were revolutionists without knowing it. They stood on natural rights, interpreted by reason, and natural rights should always triumph over merely human laws. Their mistake was in professing to be loyal to the king and laws of England at the same time that they spoke and acted against such authority, but their inability to back up their own just claims by force of arms made it necessary to practice the arts of diplomacy. They saw that the system of land tenure that obtained in England would not do for the colonies in America, that the history of Ireland ought not to be repeated here. It took another century to open the eyes of the rulers of England to such truths.

The good humor of Cranfield was of short duration. Only four weeks after the letter above cited he wrote to the Lords of Trade and Plantations as follows:

My Lords, let it not seem strange to your Lordships that in so short a time the matters in this paper appears so different from any former discourse to your Lordships from Boston, which in honour to his Majesty and vindication of my sincerity to his service I take the first opportunity to lay before your Lordships as follows. All in the late Council together with many of the chief Inhabitants in this province are part of the Grand Combination made up of Church members of Congregational Assemblies throughout the colonies of New England, and by that they are so strictly obliged that the interest or prejudice of any One, if considerable, effects and influences, the whole party and thus it has fallen out here.

About August last the president and Council of this province admitted the ketch George, a Scotch vessel sailed with Scotsmen, belonging to one Jeffray a Scotsman a church member here, to enter and trade contrary to the 12th of the King. About fourteen days after my arrival Mr. Randolph having advice hereof seized her and Cargo for his Majesty, upon which I ordered her to be stopped and appointed a Court for a tryal, where Mr. Randolph appearing on his Majesty behalf insisted upon the breach of the Acts of trade and prayed condemnation thereupon. But the Jury, in which were four Church Members and leading men, although nothing was offered in barr of Judgment, find against the King and give Jeffray costs of Court against Mr. Randolph. Upon this I have been obliged to take new measures and in the first place have turned Stileman, Captain of the ffort, a Church Member, out of his Command for suffering the Ketch to pass the ffort before the tryall against my express order to the con-

trary, and I have directed Mr. Randolph to prosecute with all vigour all persons concerned in contriving the escape and also to attaint the jury for bringing a false verdict, so that I am now upon this just occasion engaged to follow this matter as far as Law and the integrity of Juries will admit, and to lay aside persons whom I find declining in this so great a violation of Law & Justice. Upon my receiving his Majty Commission for the Government of this province your Lordships were of opinion that the irregular trade so often complained of by Mr. Randolph in his papers to your Lordships would be totally discouraged.

The sight of the Lark ffrigat in their harbour put an awe upon them, but so long as their preachers exercise a countermanding power to his Majty authority and oppose all persons and things which receive not a sanction from them I am in much doubt where to find honest and fitt persons enough in this small Colony to administer Justice, serve in Juries and execute the several parts in Government. I cannot omitt to acquaint your Lordships of one particular case lately practiced in the courts of this province. A Gentleman brought his action upon a bond against a Church member. The case was so plain that the Jury found for the plaintiff, but the court would not admit of that verdict but gave damages against them. Thus their preachers support their common interest.

Cranfield then goes on to ask for authority to remove all such preachers as oppose and disturb the peace of this government and advises the same method in the treatment of the Bostoners and those of the province of Maine. He adds that the jury in case of the ketch George were so far frightened by proceedings against them that after the vessel was out of reach they asked to amend their verdict and to find for the king, which request was granted. He says that juries would go against law and evidence, if they did not fear punishing their purses more than burdening their consciences.¹

In place of Stileman Walter Barefoot was made captain of the fort, and the former was deposed from his seat in the council. The continual effort on the part of Randolph to enforce the Navigation laws offended the merchants, who wanted to get rich faster than those laws allowed. Their conduct was of the same nature as smuggling, and their only excuse was that almost everybody in the colonies did so, which was, doubtless, true.

On the twentieth of January, 1683, the assembly convened, and the governor and council offered a bill for the support of government, which was not approved. Neither did their bills

¹ N. H. State Papers, Vol. VII, pp. 575-78.

meet the approval of Cranfield. The result was that he dissolved the assembly, according to the authority conferred in his commission. This was something new in their history. They began to see more clearly that if Cranfield could suspend members of the council at will and dissolve the assembly at will, and appoint whomsoever he would as judges and other officers, then the whole machinery of government was in his hands, legislative, executive and judicial. His was practically an unlimited and arbitrary monarchy, with this exception, that he had no obedient army to enforce his will upon the people. Edward Gove of Hampton was a member of the assembly at the time it was dissolved. Later it was pleaded in extenuation of his conduct that Cranfield cursed and swore at the assembly and threatened them if they refused to vacate laws previously made. Because Gove seemed to oppose such unwarrantable proceedings, Cranfield questioned him before the council and assembly and threatened to punish him at Common Pleas and indict him at Whitehall. This statement has the appearance of being exaggerated. But Gove was highly indignant and conceived in his agitated and distracted mind an armed revolt against such arbitrary and tyrannical rule. Hannah Gove, in her petition for pardon of her husband, said that he was subject to a distemper of lunacy or some such like from his youth, as his mother was before him, and that he never had any intention of disloyalty, when rational, but the contrary, as he would have pleaded at his trial, had he been himself. Sergeant John Stephens, aged seventy, testified in 1683, that Edward Gove some years since was in a strange distemper and was watched night and day by said Stephens. Sometimes Gove had to be bound hand and foot, and in 1659 the court at Hampton recognized that he needed a guardian. All this was testified in order that Gove might be pardoned; yet it was, doubtless, true that he was of unbalanced mind at times, though evidently a man of ability and of some wealth.

He visited Dover, Portsmouth and Exeter, conversing with some of the leading men, trying to persuade them to join him in an insurrection. All spoke to him against the movement, yet he was as persistent as John Brown was in later times and as sure of success. Cranfield wrote to the Lords of Trade and Plantations that "Edward Gove hath made it his business in

the several towns within this province to stir the people up to a rebellion, giving out that he had a sword by his side and would not lay it down until he had the government in his hands." He believed that Gove "had been set on by some of the Massachusetts colony," and Randolph declared his opinion that it was the intention of Gove and other conspirators to put to death both Cranfield and Mason. This must be regarded as one of the exaggerations of prejudice. In private letters Gove afterward declared that he had a party at his house at which the usual beverage was served and that he had not slept for twelve days and nights about that time,—another exaggeration. The governor sent messengers to Hampton and Exeter, with warrants for the constables, requiring the arrest of Gove, and ordered the militia of the whole province to be in readiness. Gove eluded the constables for a little while, went to Exeter and returned with a party of twelve men, principally of that town. They were mounted and armed with swords, pistols and guns. With sword drawn and a trumpeter sounding the cavalcade rode into Hampton. Here they were all arrested by the militia, except the trumpeter, who made his escape and for whom a hue and cry was sent throughout the province. This trumpeter was Nathaniel Ladd of Exeter, for whose pardon his wife, Elizabeth Ladd, and her mother, Elizabeth Gilman, offered a petition. Those arrested with Gove were John Gove, his son, William Healey, John Wadleigh, Joseph Wadleigh and Robert Wadleigh, sons of Robert Wadleigh and the oldest only twenty years of age. Their parents testified in a petition that their sons met Gove by accident and went with him, not knowing his treasonable intent. Others arrested were Thomas Rawlins, Mark Baker and John Sleeper. Some of the men were servants of Gove and went with him by his order. None understood what his design was.

They were arrested the twenty-seventh of January and were brought to trial February first. The grand jury was composed of John Hinckes, Robert Elliot, John Moulton, Edward Gilman, Thomas Marston, John Redman, Samuel Wentworth, William Sanborn, Nathaniel Bachelder, Moses Gilman, John Sherburne, William More, Richard Sloper, John Roberts, Henry Moulton, Joseph Canney, Mathias Haynes, Job Clements, Joseph Beard, Samuel Haynes and Morris Hobbs. These made presentment

that Gove and company "did at Hampton on ye twenty-sixth day of January last past traitorously with force & arms, Vizt., swords drawn, guns, pistols & other weapons, & with the sound of a trumpet, levy war against his Maty & his Government, appearing and rendezousing at Hampton aforesaid in a Rebelious body & assembly in a hostile manner, raising and making insurrections & with treasonable words at Hampton aforesaid and Portsmouth & other places moving and inciting the people to sedition & Rebellion, declaring for liberty & the like." The petit jury impaneled consisted of Henry Dow, Humphrey Wilson, John Brewster, Philip Cromwell, Joseph Smith, John Tuck, Francis Page, John Sewer, Obediah Morse, Richard Waterhouse, Mathew Nelson, and James Randle. The witnesses against the accused were Richard Martyn, Reuben Hull (not Hall, as some historians have said), Jonathan Thing, Nathaniel Weare, Henry Green, Henry Roby and William Marston. The last four were neighbors of Gove at Hampton, now Seabrook, The judge was Major Richard Waldern of Dover, and he was assisted by Thomas Daniel and William Vaughan.

At the trial Gove was insolent and talked like a madman. He railed at the governor and called him traitor, saying that he acted by a pretended commission. All pleaded not guilty to the charge, though they admitted the fact. The others said that they had been drawn in by Gove. The jury, after six hours of conference found Gove guilty of high treason according to the indictment and all the rest in arms. Gove was then sentenced by Judge Waldern, in the language prescribed by English law, to bear the same penalty as had been suffered by the regicides. "You, Edward Gove, shall be drawn on a sledge to ye place of Execution & there you shall be hanged by ye neck, and then yet living be cut down & cast on ye ground & yor bowels shall be taken out of your belly & yor privy members cut off & burnt while you are yet alive, yor head shall be cut off & yor body devided in four parts & yor head & quarters shall be placed where our Sovereigne Lord ye King pleaseth to appoint, And the Lord have mercy on yor soul." Let no more be said against the barbarity of the North American Indians of that time. This hideous and revolting sentence was framed by the educated court of England. It is said that Waldern shed tears as he pronounced sentence of death upon Gove, with

whom he had sat in the assembly and with whom he was one in spirit, if not in judgment.

Judgment on the rest was suspended till his Majesty's pleasure should be known. All were consigned to the custody of Capt. Walter Barefoot, who kept them in irons, called bilboes, in the fort, "irons five-foot and several inches long, two men locked together," as Gove wrote, yet he said that he rested better than he had done fourteen or fifteen nights before. His letter written in prison shows a disordered mind, and a jury of good sense ought to have discerned this and released the whole company with words of advice and caution. But juries were instructed to decide according to the letter that killeth, and law then knew little mercy. The pound of flesh must be exacted. The people were greatly excited, and a mole-hill was magnified into a mountain, especially in the reports of Cranfield and Randolph, who were anxious to impress upon the authorities at London the dangerous and rebellious character of the people of New Hampshire.

Edward Gove was conveyed to England in chains, under care of Edward Randolph, who seems thus to have learned better the spirit and motives of Gove, and he helped to secure his pardon. Gove was lodged in the tower of London and remained there about three years, under charge of Thomas Cheek, who never allowed Gove to be out of sight of a warden, day nor night. On the eleventh of June, 1683, Gove wrote to Edward Randolph, asking him to petition the king for pardon, saying, "Had I known the lawes of the land to be contrary to what was done, I would never have done it, you may well think, I was ignorant of any law to the contrary, since for 14 or 15 years past the same thing hath been done every yeare and no notice at all taken of it." Here he probably alludes to the fact that he was accustomed to invite his neighbors and friends to meet with him at his house and have a social glass together. When his case was under consideration for pardon it was alleged that he had not above two hours sleep in eighteen days previous to his arrest, so that he was distracted, scarce knowing what he either did or said, and that he "invited divers neighbors to his house as usual for twenty years and upwards to eat and drink with him." It may be that Cranfield desired his condemnation for high treason, in order that his property might be confiscated.

At any rate all his lands and goods were seized, and his wife and ten children were turned out of doors. After his pardon his property was ordered restored to him. The young men associated with him in this so called rebellion were all pardoned by Cranfield.

On the seventeenth of February, 1682. governor Cranfield caused notices to be affixed to the church doors, that if the inhabitants of the province came not within one month to take leases from Mr. Mason, pursuant to his Majesty's commission, he would certify the refusal to his Majesty, that Mr. Mason might be discharged from his obligation to grant such. This was meant to frighten the landholders into making terms with Mason. Major Richard Waldern, John Wingate and Thomas Roberts, all of Dover, waited upon the governor and Mr. Mason and proposed to the latter to refer the matter to the governor, that he, according to his commission, might present the matter to the king for his decision. Their proposal was rejected by Mason, although this was precisely in harmony with the king's expressed wishes. Witnesses testified that Mason threatened to take away the lands of the principal inhabitants, not leaving them a foot in the province, and that he would live on Andrew Wiggin's farm, being a good one; that the people had been in one rebellion and he would force them into a second and then hang them; that he was looking for a frigate and would quarter ten soldiers at each house, till they ate up all the cattle and sheep and beggared the inhabitants. Such testimony seems to be largely the product of heated imagination, not being in harmony with the patient and gentle character of Mr. Mason, as otherwise shown.

About this time Waldern, Martyn and Gilman were suspended as members of the council, and Nathaniel Fryer, Robert Elliot and John Hinckes were added thereto, all merchants of Portsmouth. Elliot and Hinckes were sons-in-law of Fryer, who for half a century was one of the leading men of Portsmouth, holding many offices, such as judge of probate and chief justice of the court of common pleas. The tax list shows that John Hinckes was one of the wealthiest men of that city. He became a judge and a prominent man in the councils of the province, apparently siding with Mason or his opponents according to change of the political wind. His second wife was prob-

ably Mary, widow of Thomas Cobbet of Portsmouth. In 1684 Francis Champernown and Robert Wadleigh became members of the council, and Edward Randolph and James Sherlock are named as members. Joseph Rayn appears as sheriff and provost marshal and later as attorney general. Barefoot was deputy governor, captain of the fort and judge. The juries were packed with men who had taken leases of Mason or were favorable to his interests.

After court machinery had thus been put in gear and oiled, suits were begun by Mason against the principal landowners, and first of all Major Richard Waldron was sued for holding lands and felling timber to the value of four thousand pounds. The case is best stated in the words of Walter Barefoot who thus made oath, November 6, 1684,

"That at the trial had between Robert Mason Esq., Proprietor of the said Province, and Richard Waldron Esq., for title of land, the said Waldron, to avoid the trial, did except against the whole Jury that was impaneled. And when the court told him that he had liberty to except against any persons, showing cause, as they came to be sworn, the said Waldron answered he had nothing to object against any particular person, but he excepted against the whole Jury as being persons that lived in the Province and owned Mr. Mason to be Proprietor. Whereupon the court, that all reasonable satisfaction might be given, did administer an oath to every person of the Jury, who severally did make oath, that he was not concerned in the Land in Question; and that he would neither gain nor lose by the cause. Whereupon the said Waldron did speak aloud in the face of the Court, to ye people then present, these words: That his case was the case of them all, and that his case did concern the whole Province, and that if he were cast it would be a leading case, & then they must all of them become Tenants to Mr. Mason, & that they all of them being persons concerned they should not be of the Jury, for which words he was bound to ye good behavior, and at the next Quarter Sessions of the Peace, a Bill was found against him by the Grand Jury, and he fined five pounds. Nor did the same Waldron make out any title to the lands in question, or produce any evidence, though often required by the court, if he had any, that he would put it in, that the Jury might hear it; and in all the trials the Proprietor hath had not any one man hath produced any Deed, Evidence, or Record to make a title of land²

Waldron and others appealed from the decisions of the court to his Majesty in council, but gave no security, and a little

² N. H. Prov. Papers, Vol. I, pp. 503-4.

later the policy adopted was to make no appeal. Waldron was fined for "mutinous and seditious words," and the wonder is that the fine was so light, for he tried to browbeat the whole court, showing forth the imperiousness of a man of wealth and power.

Suits followed in quick succession, sometimes as many as from seven to twelve in a day. Some have written that as many as forty of the landowners were thus cast. Probably more than twice that number were sued and made no defense. In Dover alone suits were begun against the following thirty-four, Major Richard Waldern, John Heard, Sen., William Horne, Jenkin Jones, William Furber Jr., John Hall Jr., Joseph Field, Nathaniel Hill, James Huckins, William Tasker, Zachary Field, Philip Chesley Jr., Robert Burnham, Anthony Nutter, William Furber Sen., Thomas Paine, Charles Adams, Thomas Edgerly, Henry Langstaff, Thomas Stevenson, John Meader, John Woodman, John Wingate, John Davis Sen., Joseph Beard, John Roberts, Joseph Stevenson, Samuel Hill, Philip Lewis, John Gerish, John Hill, Joseph Hall, Thomas Roberts, Sen. No purchasers could be found for the estates seized, and the original owners remained in possession. An attempt to levy an execution in Dover on a sabbath caused a tumult which was ended by a young woman, who knocked down one of the officers with her Bible.³ Major William Vaughan appealed to the king, but the verdict against him was sustained. Some in Hampton presented to the court a written statement of reasons for refusing to oppose the suits, "The refusal of Mason to comply with the directions in the commission; the impropriety of a jury's determining what the king had expressly reserved to himself; and the incompetency of the jury, they being all interested persons."⁴

Cranfield and his council assumed to be the entire government and made laws and rules to suit themselves, changing the value of current money, prohibiting vessels from Massachusetts to enter the port, establishing fees of office, and forbidding constables to collect any town or parish rates till the taxes imposed by them were paid, sending to prison whosoever opposed them

³ Hist. Mem. of Ancient Dover, p. 219.

⁴ Dow's Hist. of Hampton, Vol. I, p. 106.

on very slight pretexts and harassing the landowners by law suits and excessive court charges. As their only defence appeal was made to the king through petitions quietly circulated in the four towns, in which they recite their hardship in subduing a howling wilderness and their possession of their farms in peace for fifty years, but now they are reduced to confusion and extremities through the encroachments of Robert Mason and the effects and concomitants thereof. Wherefore they beseech his Majesty and privy council to give ear to their complaints through their messenger, Mr. Nathaniel Weare, in order that the oppressed might be relieved and wrongs righted. Such was the substance of the petition of almost undone subjects, prostrate at his Majesty's feet, for petitioners then as well as now were compelled by custom to employ the language used when monarchs were unlimited and subjects were slaves. Thirty-four persons signed the petition from Exeter; sixty-eight from Hampton; sixty from Portsmouth; and fifty-eight from Dover, of whom fully half lived at Oyster River.

Nathaniel Weare, who carried this petition secretly to Boston and thence to London lived in that part of Hampton which is now Seabrook. He was son of Nathaniel and grandson of Peter Weare and married Elizabeth, daughter of that Richard Swaine who was disfranchised for entertaining Quakers and who subsequently removed from Hampton to Nantucket. Weare's sister, Hester, married Capt. Benjamin Swett, who was killed in battle with the Indians at Black Point, Scarborough, while in command of the forces there. Weare was a councilor twenty years and later chief justice of the supreme court of New Hampshire. His son, Nathaniel, was also a justice of the supreme court and speaker of the House of Representatives, or General Assembly. It is said on good authority that Nathaniel Weare brought back from England and planted at Hampton Falls an elm that is still standing. He died May 13, 1718, in the 87th year of his age, a man held in highest respect for his character and abilities.

Major William Vaughan accompanied Weare to Boston and was appointed to procure depositions to support Weare's statements before the king's council. He found great difficulty in securing these, being refused copies of the records also, and

on his return to Portsmouth was angrily questioned by governor Cranfield as to where he had been and for what purpose. His answers being unsatisfactory, the governor called Vaughan a mutinous fellow and required of him bonds for good behavior. Vaughan answered that if he had broken any of the king's laws, he was ready to give such bonds. So testified Peter Coffin on the twenty-seventh of January, and on the eighteenth of February following Thomas Thurton made a deposition concerning an assault made on himself by Vaughan about the beginning of March 1681, or nearly two years before. He made oath that Vaughan interfered with the performance of his duty as searcher of vessels, forced his staff from him and therewith struck him ten blows, inflicting lasting injury, and ended by giving him a blow in the king's highway and calling him a rogue. Whereupon Vaughan was arrested and cast into prison, to be kept till the next term of court. Vaughan continued in prison about nine months, when he was set at liberty because of instructions sent to the governor from the Lords of Trade. Cranfield was also directed to cease prosecutions of Mason's claims in the courts, till the appealed case of Vaughan was decided. During Vaughan's imprisonment he wrote a long letter to Nathaniel Weare, it being a journal of transactions during four months.

This letter is full of interest and sheds much light on the spirit and methods of Cranfield, as interpreted by an able opponent. He narrates that executions had been served by Mason on Messrs. Cutt, Daniel, Fletcher, Moody, Hunking, Earl (or Hearle), Pickering and Booth, men of wealth and influence in Portsmouth. Doors, chests and trunks had been broken open by Daniel Matthews, the marshal's deputy. John Partridge and William Cotton were in prison because nothing but money would be taken for their execution, fish, sheep, horses, etc., having been refused. The minister, Rev. Joshua Moody, for refusing to administer the sacrament to Cranfield and others, was prosecuted and threatened with imprisonment for six months. Several, including Vaughan, who had paid their money at Mason's suit were sued again for illegally withholding possession, although the marshal never came to demand it. John the Greek, alias John Amazeen, had been thrust into prison, and fifteen sheep, sundry lambs and two heifers of his had been

seized to satisfy costs of court amounting to six pounds and odd money. Mr. George Jaffrey, the Scotchman, had been warned to clear his house, because Mr. Mason was coming to take possession of it. Jaffrey went to the Bank (Strawberry Bank) on business, and his servants were turned out of doors and coming home wet were not allowed to enter, Matthews and Thurton, deputy sheriffs, lodging there that night. Cranfield, being unable to get money voted by the assembly, had taken a roundabout way of obtaining it, by appointing certain wealthy opponents to the office of constable. A refusal of the office meant a penalty of ten pounds. Among those so appointed and who paid their fines rather than serve were Richard Waldern, Capt. John Gerrish, Lieut. Anthony Nutter, John Woodman of Dover, John Smith of Hampton, and John Foulson of Exeter. These were members of the refractory assembly, who would not pass a bill desired by the governor, who accused them of having consulted over night with parson Moody, "an utter enemy to church and commonwealth." Thereupon he dissolved the assembly. Jaffrey's house was converted into a prison, his goods having been put into the street during his absence, and he was sought up stairs and down throughout the residence of Mrs. Cutt, who was then sick in bed. The constable, Daniel Matthews, was beaten, at the house of Francis Mercer, by Capt. John Pickering, after some tippling perhaps, and this was talked of as part of a deep plot, deeper than that of Edward Gove. Capt. Pickering was bound over. Others were heavily fined, sent to prison or driven out of the province. Much talk was made about frigates to scare the people. Cranfield put Chamberlain out of all offices except that of secretary to the council, for which the latter was much dejected and the governor swore dreadfully that "he would put the province into the greatest confusion and distraction he could possibly, and then go away and leave them so, and then the devil take them all." The governor went to the chamber of the sheriff, Rayn, and beat him dreadfully. Perhaps he needed no army to enforce his decrees. Later the governor went to New York, by way of Boston where he had a cold treat, to discourse with Colonel Dungan about sending two hundred Mohawks to kill the eastern Indians. The wife of Capt. Elias Stileman had been cast into prison and there kept till the next morning, "a thing not to be paralleled in the

English nation.”—“No tongue can tell the horrible imperiousness and domineering carriage of that wretch.”—John Partridge was in prison and was offered his freedom, if he would pay thirty pounds. The sheriffs, Matthews and Thurton, had gone to Hampton and arrested seven including Capt. Sherburne. They executed upon William Sanborn, took away four oxen, drove seven cows from Nathaniel Bachiler, went to the house of Nathaniel Weare, cursed and swore at his son Peter and demanded his four oxen, which were refused. They took three pounds from Mrs. Weare and drove away some young cattle, which they afterwards released. Vaughan was refused counsel at court and to have witnesses sworn. The governor demanded of him a bond of two hundred pounds before he would release him from prison. Vaughan refused, offering instead to live out of the province. This racy epistle shows how Cranfield was managing matters with a high hand, his principal aim being to extort money from the people on any pretexts, for all the fines and forfeitures went to him. He favored the claims of Mason only because Mason had mortgaged the province to him, and he threatened that if Mason would not acknowledge a judgment of six hundred pounds at the next court, he would take all the business from him and sue in his own name. He was urged on by greed and maddened by oppositions.

On the nineteenth of October, 1683, Cranfield wrote to Sir Lionel Jenkins thus,—“It is my humble opinion a true Reformation can never be expected, as long as ye University here (called Cambridge) sends forth such Rebellious Trumpeters, who daily sound their disloyal principles into ye eares of ye credulous vulgar, who are apt enough of themselves to take any impression tending to ye disinterest of the Crowne.” He utters his suspicions that the leaders in New England knew of the late horrid plot against the King and Duke of York, for the happy discovery of which he, Cranfield, had ordered a day of public Thanksgiving with cessation of labor and with religious services in all the churches, and he adds that “the thinness of their congregations sufficiently shows their dislike of it.” The ministers daily make great clamors against the Church of England and both they and their laity have so great a prejudice against his Majesty’s government, that until the Universities of England supply these colonies with a clergy, never any true duty and obedience will

be showed to the king. Governor Cranfield had a special aversion for the clergy of New England and the Rev. Joshua Moody in particular, an alumnus of Harvard and long minister at Portsmouth. As a liberally educated man he, like all the Congregational ministers, was a constant adviser of the people in matters political as well as spiritual. So far were the early ministers of New England from "meddling with politics," that they, like the old Hebrew prophets, made politics and the sins of rulers one of the chief objects of their concern. As discerners of the signs of the times they made their pulpits watchtowers, from which they cried aloud to warn the people of approaching dangers, and their advice was sought by men in authority, in all times of peril and disorder.

Therefore the arbitrary governor did not like Mr. Moody any more than Ahab liked Elijah. George Jaffrey, the owner of the ketch aforementioned, was a member of the church at Portsmouth, and he swore falsely that he knew nothing about the sailing of the ketch out of the harbor in the night. The matter was adjusted between the governor and Mr. Jaffrey, but the minister insisted upon proper church discipline and preached a sermon against false swearing. The offender was called to account by the church and censured, and at length he made public confession. Cranfield sought a way to chastise Mr. Moody and on the basis of an old English law, not at all applicable to the occasion, got the council to issue the following order:

It is hereby required and commanded That all and singular the respective ministers within this Provoince for the time being, do, from and after the first day of January next ensuing, admit all persons that are of suitable years, and not vicious and scandalous in their lives, unto the blessed sacrament of the Lord's Supper, and their children unto the baptism. And if any persons shall desire to receive the sacrament of the Lord's Supper, or their children to be baptized according to the liturgy of the Church of England, that it be done accordingly, in pursuance of the laws of the realm of England, and his Majesty's command to the Massachusetts government. And if any minister shall refuse to do so, being thereunto duly required, he shall incur the penalty of the statutes in that case made and provided, and the inhabitants are freed from paying any duties to the said minister. Dated December 10, 1683⁵

⁵ Coll. N. H. Hist. Society, Vol. VIII, p. 163.

Thus he would by force convert all Congregational ministers into Episcopalians without any laying on of hands of bishops in the apostolical succession, regardless of their own wishes and conscientious convictions. Cranfield and the council thus made it a penal offence not to do that which Mr. Moody had neither the right nor power to do and which would not have been sanctioned by the Church of England. Very soon after the governor notified Mr. Moody in writing that he himself, together with councilors Robert Mason and John Hinckes intended to partake of the Lord's Supper the following Sunday and that he wanted it administered according to the form of the prayer book. Of course he expected a refusal and got what he expected. This opened the way for formal accusation of misdemeanor and arrest. Accordingly Joseph Rayn, who had been promoted from being sheriff and provost marshal to the office of Attorney-general of the province, gave information against Mr. Moody, referring to the statutes made in the fifth and sixth of King Edward the Sixth and the first year of the reign of Queen Elizabeth, confirmed by a statute made in the thirteenth and fourteenth year of the reign of Charles the Second, whose meaning was grossly perverted. Mr. Farmer, in his notes to Mr. Belknap's History of New Hampshire cites the statute of Charles II.:

Wee do hereby charge and require you that freedom and liberty be duely admitted and allowed, so that they that desire to use the booke of common prayer and perform their devotion in that manner that is established here be not denyed the exercise thereof, or undergoe any prejudice or disadvantage thereby, they using their liberty peacably without any disturbance to others; and that all persons of good and honest lives and conversations be admitted to the sacrament of the Lord's supper according to said booke of common prayer, and their children to baptism.

The law was never made with the intention to force non-conformists to use the liturgy of the Church of England. This would be to take away liberty rather than allow it. But the ingenuity of malice can interpret almost anything to mean what it desires. Mr. Moody was brought to court and confessed that he had administered the sacraments contrary to the rites and ceremonies of the Church of England. The attorney-general interpreted this as contempt of law and prayed that Joshua Moody might suffer the penalties provided. The warrant for

committing Mr. Moody to prison was signed by Walter Barefoot, Peter Coffin, Henry Green and Henry Roby. There was difference of opinion among the judges; Nathaniel Fryer and Thomas Edgerly were for acquittal, alleging that "whereas his gracious Majesty hath been pleased to grant liberty of conscience to all Protestants in his royal commission, Mr. Moody being a Protestant is not liable to the penalties of the acts of Parliament." Henry Green and Henry Roby, both of Hampton, also at first signified their dissent from his condemnation, but the decision of the case was postponed till the following day, and Mr. Moody after some difficulty was permitted to pass the night at the residence of Capt. Elias Stileman, where he and William Vaughan had a cheerful time, both being confined in one chamber. Meanwhile Cranfield found ways of hectoring and threatening Green and Roby, so that they joined with Peter Coffin and Walter Barefoot in pronouncing Mr. Moody guilty. Both Fryer and Edgerly, persisting in opinions formerly expressed, were dismissed from all offices. Mr. Moody was sentenced to imprisonment for six months. Vaughan's Journal says, "It is said that Justice Green is much afflicted for what he has done, but Roby not. Peter Coffin can scarce show his head in any company." The following is found in Mr. Moody's church record:

Not long after Green repented and made his acknowledgment to the pastor who frankly forgave him. Roby was excommunicated out of Hampton church for a common drunkard and died excommunicate, and was by his friends thrown into a hole near his house, for fear of an arrest of his carcass. Barefoot fell into a languishing distemper, whereof he died. Coffin was taken by the Indians, at Cochecho, 1689,—his house and mill burnt, himself not being slain but dismissed. The Lord give him repentance, though no signs of it have yet appeared.

This is an attempt to point out the divine hand of retribution and shows something of the vindictive spirit masked by pious phrases. To make out his case against his judges he should have been able to record that the Almighty allowed the Indians to torture Peter Coffin unto death, and Barefoot ought have come to an untimely end earlier than he did, 1688. Vaughan records that "Peter Coffin saith it is a nine days' wonder and will soon be forgotten." During the imprisonment of Mr. Moody there was preaching a part of the time by Rev. Seaborn

Cotton of Hampton and Rev. Samuel Phillips of Rowley, but for a space of nine sabbaths there was, as Vaughan said, "a famine of the word of God," which much distressed him as he lay in prison. No other minister of the province was molested. The governor sent word to Rev. Seaborn Cotton, that after he had prepared his soul (whatever that might mean), he was coming to church to demand the sacrament of him, as he had of Mr. Moody, whereupon Mr. Cotton withdrew to Boston, reckoning prudence to be the better part of valor.

Mr. Moody was released from prison on condition of his leaving the province. He was employed as a preacher at the first church, Boston, and was invited to succeed Mr. Rogers as President of Harvard College, which position he declined. He visited Portsmouth from time to time till 1692, when he was recalled to his old pastorate and continued therein till his death, while on a visit to Boston, July 4, 1697.

Not being able to persuade the assembly to impose taxes according to his wishes Cranfield attempted to collect rates without their consent. This he did on the basis of a clause in his commission, "And for supporting the charge of the government of our said Province of New Hampshire our will and pleasure is, and we do, by these presents, authorize and require you and our said Council to continue such taxes and impositions as have been and are now levied and imposed upon the inhabitants thereof, and that the same be levied and distributed to those ends in the best and most equal manner that can be until a general assembly of our said province shall have considered and agreed upon the fittest ways for raising of taxes in such proportions as may be requisite for defraying the charge of the government." This had been done without objection at the beginning of more than one administration. The Assembly thought to block the wheels of government by refusing to pass any bill for taxation. Under such conditions was not Cranfield justified in continuing the old assessments and rates? Was this an act of usurpation or a necessary act in order to the existence of any government whatever? Could the governor and all under officers be expected to serve for nothing? Some later governors did, but Cranfield was not equally self-sacrificing. He was too stubborn and resourceful for his opponents. Indeed, it is quite remarkable that this one man, unsupported by soldiers and war

vessels, managed to hold in check and compel to do his will about three thousand people, the then reckoned population of New Hampshire. Gradually he selected a few councilors and a few sheriffs and appointed judges and packed a jury, who all did his bidding, and the people for a long time did nothing more than to send agents and petitions to the king. Why did they not drive him out of the province, as Andros was sent away? Because not all the wrongdoing was on one side. They opposed, for the most part, passive resistance to shrewd activity, and they got the worst of it. Cranfield secured by fines, forfeitures, presents and taxes the money that he wanted and then got himself transferred by the authorities in London to a more lucrative position. The same troubles continued in New Hampshire after his departure, as we shall see.

As an inducement to get the assembly to assess taxes the governor published information that an attack by eastern Indians was imminent, and he went to New York to secure the aid of two hundred Mohawks, at an expense of forty pounds for his journey. The assembly assented to the continuance of the former taxes, and an order was given to fortify the meeting houses. Some ammunition was distributed. But the major part of the taxes collected went for purposes other than defense. The council voted, January 2, 1684, that the governor should be paid one hundred pounds per annum from the time of his arrival, together with his traveling expenses to New York. Thus he collected his back pay. The council further voted "that the residue of the said rate be disposed of for and toward the payment of salaries to the several officers, and discharging the public debts of the said province, which have been contracted since the arrival of the said Governor."⁶ Thus they found as easy a way to fix and collect their own salaries as public officials and legislators do now, and the dear people uncomplainingly paid the taxes then as now. History repeats itself. A few determined men of brains in high office do about as they please, whether the government be a so-called monarchy or republic. The dear people have not sufficiently learned this; they can be fooled most of the time, if not all the time. Unless offices are filled by good and wise men, in vain are treaties, campaign prom-

⁶ Coll. N. H. Hist. Society, Vol. VIII, p. 223.

ises, laws and former customs. Greed in high office works the ruin of nations.

The mission of Nathaniel Weare in England was so far successful that an order was sent to Cranfield to make use of an assembly in raising money. He complied with the letter of the order, called an assembly, did not like some of the men elected by the people, men like John Gerrish and John Pickering whom he had made constables in spite, and so at once dissolved the assembly once more, writing home that he feared their rebellious and mutinous disposition and asking again for a frigate to put them in awe of his authority. Seeing that the end of his administration was approaching he asked for leave to go to the West Indies for his health. Then warrants were issued for collecting more taxes, without consent of the assembly. Again he called an assembly, this time to pass an act to suppress piracy and robbery on the high seas, which when they had done, he sent them home like boys dismissed from school.

The men made constables by way of punishment declared that they were unable to collect the tax-bills. The provost marshal, Thomas Thurton, the unpopular official whom we have often met, was then ordered to collect the taxes, with the assistance of the constables. He went to Exeter, followed by some of the citizens of Hampton with clubs. A long deposition of his describes the whole fracas. It was on the twenty-ninth of December, 1684, that he went to Exeter and demanded of John Foulson a fine of fifty shillings that the justices had set upon him for failing to collect the taxes in Exeter. Thurton was warned that he would meet with a red hot spit and scalding water. The wife of Moses Gilman said that she had had the water boiling for two days. Among the club-men who followed Thurton from Hampton was Joseph Swett and John Sanborn, and they were joined by others at Exeter, the minister, the Rev. John Cotton, being among them with his shillalah. The constables were roughly handled and assailed with bad language. The clubs were not for show alone, and the word, "rogue," so often used at that time, seemed to comprehend the sum of all villainy. The following Friday Thurton attempted to arrest and carry to prison Samuel Sherburne of Hampton, and for so doing was beaten while Sherburne was making his escape. Justice Henry Roby also received his

share of the cudgeling. A company of twenty or thirty men, armed with clubs, seized Thurton, beat and bound him, put a rope around his neck, hauled him out of the house by a rope that tied his hands, pulled and cudgeled him for a mile and a half and then put him upon a horse that they had commandeered and drove him out of the province into Salisbury, his legs being tied beneath the horse's belly and he suffering intense pain. Here he was detained forty hours. Moses Gilman declared that some of Exeter and Hampton had signed a writing, that they would oppose the government and pay no taxes that were assessed unlawfully. A troop of horse under Mason was ordered out to suppress disorders, but no trooper responded to the call. The people, after three years of oppression, were beginning to wake up.

Nathanial Weare, the agent of New Hampshire, made slow progress in London, on account of the difficulty of getting depositions and copies of records from home. Every obstruction possible was put in his way. The imprisonment of William Vaughan had this in view. Nevertheless the first charges against Cranfield had the effect to stay his course, and the Lords of Trade sent orders to him to allow depositions and copies of public records to be taken. After such had been received at London, copies thereof with charges were sent to Cranfield for his answer. He at once suspended the Mason suits, ordered the desired information to be furnished and retaliated by saying that he also had difficulty in obtaining copies of records, because the town clerks had concealed their books, declaring on oath that they knew not where the books were nor who had taken them.

A new complaint was made against governor Cranfield, and depositions and other evidences were presented to fortify the complaint. It was as follows:

1. That at the first session of the general assembly Mr. Cranfield challenged the power of legislature and settlement of affairs to himself against the words of his commission, which are (you and they &c), meaning the general assembly, shall, &c., which words (and they) he affirmed were put in by mistake of the clerk in engrossing his commission, and so entered it in the council books, and desired the assembly to make like entry, and delivered a copy of his commission without those words (and they).

2. He hath, by purchase or mortgage from Robert Mason, made himself

owner of the Province, and so is not likely to act impartially between Mason and the inhabitants.

3. He hath made courts whereof both judges and jurors have agreed with Mason for their own lands, and some taken deeds from him of other men's lands, so as they are engaged in interest to set up Mr. Mason's title.

4. That Mason has sued forty persons and cast all, and the governor's interposal to state the cases, as by his commission he is directed, was refused, though desired: That the defendant's pleas, grounded on the law and statutes of England, were rejected.

5. That they can not reconcile the verdict with the attachment, nor the execution with the verdict, nor their practice under color of execution with either.

6. That the charge of every action is £6, though nothing done in court but part of the commission read, and some blank grants without hand or seal, and those not read for one case in ten.

7. The court charges are exacted in money, which many have not, who, though they tender cattle, are imprisoned for them.

8. The ministers, contrary to his Majesty's commission, which grants liberty of conscience to all Protestants, have their dues withheld from them, even those dues before Mr. Cranfield came, and are threatened with six months' imprisonment for not administering the sacrament according to the liturgy of the church of England.

9. That though the general assembly agreed Spanish money should pass according to weight, the governor and council have ordered pieces of eight shall pass at £6, though under weight.

10. That men are commonly compelled to enter into bonds of great penalty to appear and answer what shall be objected, when no crime is signified.

11. That they have few laws but those made by the Governor and Council, when his commission directed the general assembly should make laws.

12. That the courts are kept in a remote corner of the Province, and the sheriff was a stranger and of no visible estate, and so not responsible for jailers.⁷

⁷ The articles of complaint, as published in Belknap's History, in the State Papers, and in the eighth volume of the Coll. of N. H. Hist. Society, differ, and here the copy is followed which looks most reasonable. At the end of article sixth the word "ten" seems more probable than "time." At the end of article twelfth the word "jailers" fits the sense better than "failures," which is used by Belknap. Another article is found in Belknap's copy, which does not appear in the other authorities, inserted after the fifth article, "That the verdict found the land sued for according to the royal commission and instructions, and that commission only gave power to state the case, if Mason and the people could not agree; but the execution took land and all." This is in harmony with the charges first made. Indeed these articles of complaint cover the same ground as the first charges. In the ninth article Belknap's "though under weight" is preferred to "each thousand light" found in the other authorities.

A brief of the case against Cranfield is very interesting, but contains little of historical value beyond what has been already stated. The Lords of Trade reported to the king's council upon three of the charges adversely to Cranfield, and, their report having been approved, they wrote to Cranfield, under date of April 29, 1685, in which letter they say, "We are commanded hereby to signify unto you that you have not pursued your instructions in reference to the propriety of the soil which Robert Mason, Esquire, claims in the Province of New-Hampshire, inasmuch as you were directed that in case the inhabitants of New-Hampshire should refuse to agree with the said Mason, you should interpose and endeavor to reconcile all differences, which, if you could not bring to effect, you were then to send to his Majesty such cases, fairly and impartially stated, together with your opinion, for his Majesty's determination; instead whereof you have caused courts to be held in New-Hampshire, and permitted titles of land to be decided there, and unreasonable costs to be allowed, without first representing the particular cases to his Majesty. And yet, although it be his Majesty's undoubted prerogative to set and determine the price and value of coin within his Majesty's dominions, you have not done well in directing any alterations therein without his Majesty's special order. In both which you have been wanting in your duty to his Majesty." They then ordered a suspension of the suits against Mason, till the case of Vaughan should be decided on appeal.

On receipt of this letter, his request for leave of absence having been granted, Cranfield went to England by way of Jamaica, and there he obtained the collectorship of Barbadoes. It is said that there he paid special attention to masters of vessels and other persons who went thither from the Pascataqua. He must have collected some wealth, for he is said to have presented to the king a ship of war, during the reign of William III. He died about the beginning of the eighteenth century and was buried in the cathedral church at Bath, England.

An inclination to write as champions of the people of New Hampshire may have led some historians to portray the character of Cranfield in too dark a hue. His career after he left the province does not seem to sustain such a portraiture. That he took unfair measures to secure revenue to himself can not be

doubted, but he was goaded thereto by the refusal to grant him any salary. As for exercise of arbitrary power, most of it was granted to him in his commission, as the only way of subduing the people to the decisions of councils and courts in England. His acts of meanness in fines and imprisonments were through juries of New Hampshire men, and were done in the spirit of retaliation. It can not be questioned that he had unusual abilities and courage, and that he found a ready number of supporters in his schemes to secure the asserted rights of Mason and himself. His aim was unwise, and his methods were in part unworthy; he could not well correct the latter without abandoning the former. Nothing would satisfy the holders of lands in the four towns but the complete abandonment of the claims of Mason, with perhaps some slight compensation therefor from the towns as such. Perhaps Mason and his agents ought to have thus compromised. To us, at this distance, they seem to have been pig-headed, but to persons reared in the England of that time their conduct was what might be expected of persons who had received large grants of land from the king. To yield such grants to squatters without a struggle could not be expected, would have been thought dishonorable, and in the struggle for what each party thought to belong to it nobody was too punctilious about points of honor and legality. The purpose of each was to win, without offense if possible, with offense if necessary. The people of New Hampshire won, and therefore posterity justifies about all they did in opposition to Mason and Cranfield. Their representations have been taken at face value, while the letters of Cranfield and Randolph and others of like spirit that followed them have been largely discounted.

In his last letter to the Lords of Trade, January 6, 1684-5, Cranfield thus writes: "I esteem it the greatest happiness that ever I had in my life that your Lordships have given me an opportunity to remove from these unreasonable people, and the rather that your Lordships and the world may see it is those things enjoined in His Majesty's Commission they cavil at, and not my person, and time will show that no man shall be acceptable to them that puts His Majesty's commands in execution." This is pretty near the truth as to both history and prophecy.⁸

⁸ N. H. State Papers, Vol. XVII, p. 602.

Chapter VII

THE UNGOVERNED GOVERN THEMSELVES

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Walter Barefoot at the Head of Government—Scrap at His House—Robert Mason Thrown into the Fire—Too Much Stimulant—Charter of Massachusetts Forfeited—Governor Joseph Dudley—Sir Edmund Andros Appointed Governor—Death of Robert Mason—Revolt in Boston against Andros—New Hampshire without Government—Four Little Independent Republics—Convention at Portsmouth—Hampton Wants Initiative and Referendum—Indian Attacks Necessitate Union—Petition Puts New Hampshire once more under Jurisdiction of Massachusetts—Province Sold to Samuel Allen—Extent of the Province—Lieutenant Governor John Usher—Grant of Dunstable by Massachusetts—The Million Acre Purchase.

THE departure of Governor Cranfield left Captain Walter Barefoot, as his deputy, at the head of government in New Hampshire. His sway was brief and uneventful, yet the same spirit possessed him that he had caught from his predecessor. More levies and imprisonments led to the sending of Nathaniel Weare a second time to London as agent of the oppressed people of New Hampshire and of William Vaughan in particular, whose case seems to have been a test, to determine for all the rest the validity of decisions in court against the holders of land. The decision on appeal was against Vaughan, yet this seems to have settled nothing, because the New Hampshire people felt that matters could not be settled right till they were settled in their favor. Weare remained in England from the spring of 1686 till sometime previous to June 19, 1689, when a meeting of the proprietors of Hampton was held, to raise their proportion of his expenses, seventy-five pounds. What he accomplished in England does not appear.

The opposition to deputy governor Barefoot must have been keen and wide spread, for it brought discord into his own family. His sister, Sarah, had married Thomas Wiggin, son of the Capt. Thomas Wiggin who led the settlement of Dover Neck. Robert Mason was lodging with Barefoot at the latter's house on Great Island, now New Castle, when Thomas Wiggin and Anthony

Nutter, who had been a member of the council and was a prominent citizen of Dover, came to talk over the claims and proceedings of Mason. What followed is best told in the words of Mason's deposition, taken March 8, 1683, before Richard Chamberlain:

I, Robert Mason, Esq., proprietor of the Province of New-Hampshire, do make oath, that upon the 30th day of December last, being in my lodgings at the house of Walter Barefoot, Esq., deputy governor, and seeing Thomas Wiggins and Anthony Nutter, of the said Province, yeomen, talking with the deputy governor, I bid them welcome, and invited them to stay to supper. After supper, upon some discourse, Wiggins said he and others had read the papers I had set up, but they did not regard them at a rush, for I had nothing to do in the Province, nor had one foot of land therein, nor ever should have, and withal did give very abusive and provoking language, so that I commanded Wiggins to go out of the room, which he did not, but asked the deputy governor whose the house was, Barefoot's or Mason's. The deputy governor told him that the house and servants were mine, and entreated him to be gone and not to make a disturbance. I then opened the door, and took Wiggins by the arm to put him forth, saying he should not stay there to affront me in my own house. Whereupon Wiggins took hold of my cravat, and being a big, strong man, pulled me to the chimney and threw me upon the fire, and lay upon me, and did endeavor to strangle me by grasping my windpipe, that I could hardly breathe. My left foot was much scorched and swelled, my coat, periwig and stockings were burnt, and had it not been for the deputy governor, who was all that time endeavoring to pluck Wiggins off from me, I do verily believe I had been murdered. I was no sooner got out of the fire but the said Wiggins laid hands on the deputy governor, threw him into the fire, and fell upon him so that two of the deputy governor's ribs were broke. I did with much difficulty pull Wiggins off the deputy governor. Wiggins being risen upon his feet did again assault me and the deputy governor, and threw the deputy governor down; thereupon I called to a maid servant to fetch my sword, saying the villain would murder the deputy governor. The servant coming with my sword in the scabbard, I took hold thereof, but it was snatched out of my hands by Anthony Nutter, who was present in the room, and did see the assault made both upon the deputy governor and myself, and hindered me from relieving the deputy governor. Nor did the said Nutter give any help or assistance to the deputy governor.¹

Walter Barefoot had two ribs broken and lost a tooth in the fray. Two servant maids testified that Anthony Nutter "did walk about the room in a laughing manner" and gave no assistance to either Barefoot or Mason. Yet Barefoot, in his will,

¹ Coll. of N. H. Hist. Society, Vol. VIII, pp. 265-6.



JOSEPH DUDLEY

1688, gave nearly all his houses and lands to this same Thomas Wiggin, "my brother in law, and to my sister Sarah his wife," so that the scrap did not occasion any lasting ill will. The contention was not with Barefoot but with the deputy governor and friend of Robert Mason, the oppressor. From other evidences concerning Barefoot and the habits of the times the conclusion is forced that the four convivial neighbors had something for supper stronger than tea. It was then thought that even a just cause could be better prosecuted with the aid of a stimulant.

Here we bid farewell to Walter Barefoot, physician, captain of the fort on Great Island, councilor, judge and deputy governor. He was a royalist, a friend to Mason, a man of wealth and power, little moved by sympathy either with the political leaders or with the common people, self-sufficient, social, an adventurer in the new world. His like does not appear again in the early history of New Hampshire.

In the year 1685 the people of the Massachusetts Bay Colony were summoned to defend their charter or allow it to be forfeited. They chose the latter course. The same year the king, Charles II, died, and his successor, James II, on the eighth day of October, commissioned Joseph Dudley to be first president of the council, to exercise with them authority over the united provinces of New England, including the Colony of Massachusetts Bay, the provinces of New Hampshire and Maine, and the Narraganset Country, otherwise known as the King's Province. The members of the council were William Stoughton, deputy president, Simon Bradstreet, the last governor, Robert Mason, the proprietor of New Hampshire, John Fitz Winthrop, John Pynchon, Peter Bulkley, Edward Randolph, Wait Winthrop, Richard Wharton, John Usher, Nathaniel Saltonstall, Bartholomew Gedney, Jonathan Tyng, Dudley Bradstreet, John Hinckes and Edward Tyng.² The only member from New Hampshire was John Hinckes. This new form of government came into existence May 25, 1686, and was of short duration. It seems to have been designed as only a forerunner, to prepare

² The names of the councilors are here given in the order used by Belknap. Dudley's commission gives a different order and also includes the name of Francis Champenowne, who died in the spring of 1687.

the way for a sterner administration, just as President Cutt had prepared the way for Cranfield in New Hampshire. Joseph Dudley was well known in the colonies as the son of Gov. Thomas Dudley.

The noticeable feature of Dudley's commission was the omission of any reference to any assembly or representative government, to which the people had been accustomed. It was the feeling of the king and privy council that Massachusetts as well as New Hampshire had abused the liberties conferred by their charter and commission, and that henceforth they should be governed by the king and not by themselves. On the tenth of June the president and council issued an order for settling of county courts, "that they shall consist of such member or members of the council in each county and province as shall be therein resident," together with such justices of the peace as shall be commissioned thereto. The courts in New Hampshire were to be held at Great Island and Portsmouth, a superior court being held in Boston three times a year.

Sir Edmund Andros was appointed captain general and governor in chief of New England in May 1686 and arrived in Boston December thirtieth. He had been governor of New York from 1674 to 1682 and subsequently served as governor of Virginia and of the island of Jersey. The colony of Plymouth, not mentioned in the commission of Dudley, was added to the jurisdiction of Andros. His commission implies the continuance of the former council, but gives him power and authority to suspend any member thereof at his own pleasure. Any five councilors constituted a quorum and vacancies were to be filled by royal authority, unless by chance the number at any time fell to less than seven, in which case Andros might appoint some of the principal inhabitants to be confirmed by the king. The governor general and his council had power to make laws, subject to confirmation by the king, to levy taxes, establish courts, appoint judges and other necessary officers, have charge of military forces, pardon offenders, etc. Again there was not mention of representative government, and the people had nothing to say about their own taxes.

The brief rule of Andros had little to do with the people of New Hampshire, except that Mason found in him an unexpected opponent. Since Andros had the power of granting land,

Mason's authority to give leases was denied by James Graham, the attorney-general. Effort was made to transfer Mason's suits to the supreme court at Boston, by the favor of the chief Justice, Dudley, but the death of Mason suddenly put an end to his hopes and the fears of the landowners. While accompanying Sir Edmund Andros, as one of his council, from New York to Albany, he died at Esopus, about September, 1688, in the fifty-ninth year of his age, leaving two sons, John and Robert.

The news of a revolution in England, leading to the overthrow of James II and the coronation of William, Prince of Orange, emboldened the people of Massachusetts, and of Boston in particular, to strike a blow for freedom. There is said to have been a foolish rumor of an intended massacre in Boston. Andros was declared by rumor to be a papist and to have designs of bringing the Indians against the settlers. There was not the slightest foundation for either report. On the contrary he had led his forces in person to subdue the eastern Indians. But on the morning of the eighteenth of April, 1689, Boston was in arms, and the country around flocked to assist in the pulling down of a despotic seat of power. The former governor, Simon Bradstreet, now one of the council and eighty-four years of age, became the head of a council of safety. Andros, Joseph Dudley, Edward Randolph, James Sherlock, formerly sheriff and member of the council at Portsmouth, and others to the number of twenty-five, some say fifty, were seized and put in prison, where they remained till royal authority ordered them sent to London for trial. All were acquitted. A candid perusal of the Andros Tracts, wherein the arguments of both sides are set forth, would convince the impartial reader of today that there was little against Andros and his assistants personally, that he was not the tyrant alleged, but that the opposition of the people was really against the system, under which he governed. They were taxed and ruled without any representation, either in London or at home. Too much power was given to the governor. The days of constitutional monarchies, much less of republics, had not yet come, but the desires and convictions of the common people were flowing that way. The subsequent career of Andros shows that he was a wise and trusted governor and a man of unblemished character.

The other New England colonies quickly resumed the form

of government to which they were accustomed before the union of the provinces under a governor-general, and in the course of one month affairs were going on much as under the old charters, Simon Bradstreet acting as governor of Massachusetts. New Hampshire could not reassume the government under which they had lived as a royal province, neither could it at once come under the government of the Bay Colony. There was some jealousy among the towns, particularly on the part of Hampton, whose people thought that Portsmouth desired and designed to lead and control the other towns. The Indians were threatening the towns, and the need of some form of government was urgent. The authority of former magistrates and officers was in question. Nobody had right to tax the people, even for their own defence. The towns were as independent as they were before the first union with Massachusetts. They met and voted what they pleased, but there was no authority to enforce law. Some gentlemen of Portsmouth and Great Island sent a letter to the other towns, inviting them to send delegates to a convention to be held July 11, 1689, to "consider of what shall be judged meet and convenient to be done by the several towns in the Province for their peace and safety, until we shall have orders from the crown of England." Such was the language of the people of Hampton. Their delegates, Ensign Henry Dow, Sergt. John Smith and Mr. Joseph Smith, were instructed to bring back a full account of the proceedings of the convention, but had no power to act without further authorization by the town. There is no record that this proposed convention was ever held. Perhaps its futility was foreseen, since the towns had not given equal powers to their delegates.

The council for safety, at Boston, in October sent a request to Richard Martyn, William Vaughan and Richard Waldron, asking that the Province of New Hampshire send an agent to meet other commissioners at Boston to consult about the Indian wars. The towns agreed, though eighteen persons in Hampton dissented from the vote. William Vaughan was chosen commissioner and met with the others in Boston, December sixth. The same month Hampton chose three men, Nathaniel Weare, Samuel Sherburne and Henry Dow, to meet persons chosen from other towns and consult about the establishment of some government, but the attempt was abortive. At the end of the year,

1689, New Hampshire was still without a common government. There were four independent little republics, Hampton at least too independent and jealous for all its particular rights. The habits of life of the first settlers made every man a law unto himself. Nothing was right without his consent. When neighboring settlers united for mutual protection and advantage, then they claimed independence of all other similar unions. A larger union of towns was consented to only as the inhabitants saw that it would be good for them as individual communities. The larger view, of the greatest good to all the towns and all the colonies as a whole, it took long time and hard experience to gain. In January of 1689-90 Dover, Portsmouth and Exeter elected delegates with full powers to meet in convention to devise some method of government for defence against the common enemy. The persons chosen by Dover were Capt. John Woodman, Capt. John Gerrish, Lieut. John Tuttle, Mr. Thomas Edgerly, Lieut. John Roberts and Mr. Nicholas Follet. Portsmouth's choice were Major William Vaughan, Richard Waldron, Nathaniel Fryer, Robert Elliot, Thomas Cobbet and Capt. John Pickering. Exeter sent to the convention Robert Wadley, William Moore and Samuel Leavitt. Hampton chose Henry Green, Henry Dow, Nathaniel Weare, Capt. Samuel Sherburne, Morris Hobbs, Sen., and Mr. Edward Gove, but no pledge was given to abide by the decisions of the convention unless a majority of the commissioners from Hampton should agree thereto. The convention met in Portsmouth, January 24, 1690, and agreed upon a simple form of government, a president, a secretary and a treasurer to be chosen by major vote of the whole province and a council of ten persons, three of whom were to be of Portsmouth and Hampton each and two of Dover and Exeter each. These were to call an assembly of not more than three from each town, and together they were to take such action and make such laws as seemed to be wise and necessary for the preservation of peace, the punishment of offenders and defense against the common enemy. All signed their names to the document. The town of Hampton voted not to chose officers according to the plan agreed upon, and so the whole plan failed. The paper was drawn up in the handwriting of John Pickering, a lawyer of Portsmouth and a member of the convention. In Hampton "a very large majority seemed to be fearful and sus-

picious that the other towns did not intend to act according to their professions, but wished to bring the people of this town under them. The minority regarded this view as uncharitable and unjust; but they were referred by the majority to some former acts of some of the towns, which appeared to afford ground for being jealous of them."³ It is seen that the people of Hampton preferred to keep power in their own hands rather than to entrust it to delegates. They claimed the initiative and the referendum, and after more than two centuries we recognize their wisdom, though caution may have been too great for the pressing necessity of the times, and jealousy may have been unfounded. Already there was talk about reunion with Massachusetts, of which some were in favor, while others opposed.

The attack of the Indians upon Cochecho and other parts of the province brought matters to a crisis. There must be union and cooperation under lawful authority, or destruction by the savages awaited them all. Hence a petition was drawn up and hastily carried throughout the four towns for signatures. Three hundred and seventy-two persons signed it. The petition was addressed to the governor and council of the colony of Massachusetts Bay and asked for "government and protection, as formerly, until their Majesties' pleasure shall be known concerning us: hereby obliging ourselves to a due submission thereto, and payment of our equal proportion (according to our capacity), of the charge that shall arise for the defence of the country against the common enemy; praying also that such persons may be commissioned to command the militia as have already been or shall be chosen by the trained soldiers in the respective towns." The petition was readily granted and thus New Hampshire came once more, for a short time, under the government of Massachusetts, and orders were given for town meetings for the election of proper officers. The petition had been taken to Boston by William Vaughan and John Pickering on the twenty-eighth of February, and William Vaughan, Richard Martyn and Nathaniel Fryer at once were appointed magistrates. The objections of Hampton were set forth at length in a letter of Nathaniel Weare to Major Robert Pike; that out of about two hundred inhabitants over twenty-one years of age less than fifty had

³Dow's *History of Hampton*, Vol. I, p. 117.

signed the petition and some of these were minors, while some of the principal inhabitants of the town, including Weare himself, had not been shown the petition; that formerly Hampton had chosen her own magistrates and could not now see why magistrates from Portsmouth should be thrust upon them without even a majority vote of the town; and that Massachusetts had not authority to appoint officers and make laws for New Hampshire until such authority should be conferred by the crown, or by a majority vote in town meeting. They feared that a government so imposed would cause "distractions, heart-burnings, disobedience to the supposed commanders, public declarations, remonstrances set forth, that might reach as far as England, and so make way for a person to be deputed by the crown, that might under color of a commission exercise his own will." Hampton evidently felt that Portsmouth was railroading a scheme through to suit the wishes of the bosses of that place and that would give to them the positions of power, as formerly under Massachusetts rule, and Nathaniel Weare was long-headed enough to see through the scheme to its probable outcome. But the unanswerable argument of the presence of hostile Indians and French upon their borders constrained the voters of Hampton to submit to the wishes of other towns. Hampton favored a plan that would give them a greater measure of home rule.⁴

The political leaders at Portsmouth wanted annexation to Massachusetts; the common people were divided on this question. The king and his council were told, perhaps by Edward Randolph, perhaps by Nathaniel Weare, perhaps by many others, that the people of New Hampshire did not desire union with the Bay Colony. Such union was desired by the leaders in Boston, and Rev. Cotton Mather, their agent sent to London, earnestly sought it. They were looking toward practical independence and increase of dominion, as ambitious as Canada is today, scorning to be a dependency and willing to be an ally on equal terms. The king had other plans, still maintaining the validity of the grants made to Capt. John Mason and wishing to aid Samuel Allen, merchant, of London, who, for two thousand

⁴ See Weare's letter in *N. H. Prov. Papers*, Vol. II, pp. 43-46, Dow's *Hist. of Hampton*, Vol. I, pp. 113-119, and especially Tuttle's *Historical Papers*, pp. 197-214.

seven hundred and fifty pounds, had bought, of the two sons of Robert Mason, April 27, 1691, all their claim to lands in New England that had been granted to Capt. John Mason. By a previous agreement and a fictitious sale, known as a *fine* and recovery, since it put a *finis*, or end to all legal dispute, the entail had been docked, or set aside. In this "fine" it is interesting to learn the estimated extent of Mason's claim. His possessions are named "the Mannor of Mason Hall with the appurtenances and seven thousand Messuages, fifty Mills, six thousand Gardens, a hundred thousand Acres of Land, a hundred thousand Acres of Meadow, a hundred thousand Acres of Pasture, one million and a hundred thousand Acres of Wood, two hundred thousand of acres of Marsh & Moss Ground, a hundred thousand Acres of fresh Marsh, a hundred acres of Salt Marsh, a hundred thousand acres of Ozirs, a hundred thousand Acres of . . . , two hundred thousand of acres of Land Covered by Water, a hundred Pound Rents Common of Pasture for all manner of Cattle, free fishery and free Warrin with the appurtenances in New Hampr, Main, Masonia, Laconia, Mason Hall, Mariana in New England." This shows that Mason Hall was not the name of a house, as some have supposed, but of lands.⁵

Belknap says⁶ that the inhabitants "again assembled by deputies in convention and sent over a petition to the king, praying that they might be annexed to Massachusetts. The petition was presented to Sir Henry Ashurst and they were amused with some equivocal promises of success by the earl of Nottingham; but Allen's importunity coinciding with the king's inclination effectually frustrated their attempt."

The commission of Samuel Allen as governor and commander in chief of New Hampshire was dated March 1, 1692. Therein the same powers were granted to him as to former governors and in nearly the same words. Also John Usher, Esquire, was named as one of the council and lieutenant governor, having all the authority of the governor in the latter's absence. The governor could call and prorogue assemblies at will, suspend and appoint members of the council, and veto any

⁵ N. H. State Papers, Vol. XXIX, pp. 143-147.

⁶ Page 123.

laws or bills passed. The councilors named in Allen's instructions were, besides John Usher, John Hinckes, Nathaniel Fryer, Thomas Graffort, Peter Coffin, Henry Green, Robert Elliot, John Gerrish, John Walford, and John Lowe. Six of the ten councilors were of Portsmouth. William Vaughan, Nathaniel Weare and Colonel Richard Waldron were added to the council a little later.

John Usher was a citizen of Boston and had been a member of Governor Andros' council. He became the actual governor of New Hampshire, since Samuel Allen, the proprietor now in place of Robert Mason, did not appear to execute the duties of that office. Historians have fostered the supposition that Usher was made lieutenant governor, because he was son in law of Allen, but John Usher and Elizabeth Allen were married in Hampton, March 11, 1698-9, or six years after his appointment as lieutenant governor. His first wife was Elizabeth, daughter of Peter and Elizabeth Lidgett, who died August 17, 1698. It appears, then, that family relationship had nothing to do with the appointment of Usher, and that he had no interest in Allen's claim to lands at the time when he was made lieutenant governor. He arrived with the commission and assumed the duties of his office, August 13, 1692, and once more and finally New Hampshire was free from the government of Massachusetts. In real freedom there was no immediate gain. "Liberty of conscience to all persons except Papists" is granted in the governor's instructions.

The first settlers built their log cabins near the rivers, which were the natural and only highways. The second and third generations began to push inland and build roads. Small colonies got grants of large tracts in the wooded wilderness, and the original grantees became proprietors or owners of the townships formed. The people from Massachusetts spread up the valley of the Merrimack. In the year 1673 the General Court granted to twenty-six petitioners the town of Dunstable, which after the division line was fixed was found to contain lands in Massachusetts and New Hampshire. The town as originally granted contained about two hundred square miles, or one hundred and twenty-eight thousand acres. The part in Massachusetts included what is now Tyngsborough,

the east part of Dunstable, a little of the north part of Pepperell and the northeast corner of Townsend. In New Hampshire it embraced the town of Litchfield, most of Hudson, the southwest part of Londonderry, the west part of Pelham, nearly all of the towns of Nashua and Hollis, all of Amherst and Merrimack south of the Souhegan river and about two-thirds of the towns of Brookline and Milford.⁶ In this section the General Court had previously granted extensive farms, varying from three hundred to fifteen hundred acres. The first minister was the Rev. Thomas Weld of Roxbury; the most prominent settler was Col. Jonathan Tyng, who bought of the Indian sachem, Wonalancet, October 10, 1685, a tract of land, which extended six miles on each side of the river Merrimack and reached from a point three miles north of the old Indian fort at Penacook to that place at the great pond, or lake Winnepiseogee, which was accounted the northern bound of the lands claimed by Massachusetts. Tyng was acting as agent of a company of men in Boston, and to three of them, John Usher, Charles Lidgett and Thaddeus McCarty, Mason gave a deed, April 15, 1686, of the same land named in the above tract sold by Wonalancet. The southerly bound on the west side of the Merrimack was the Souhegan river, and on the east side of the Merrimack the southerly bound was land owned by William Brenton, in old Dunstable, later governor of Rhode Island. The price paid was thirty pounds and the yearly rent charge was ten shillings. One-fourth part of the gold and silver that might be found was reserved. This tract was called the million acre purchase. It was a long time before any towns were incorporated within this tract of land, though now it is the most populous and enterprising part of the state, including Manchester and Concord.

⁶ Old Dunstable, p. 4.

Chapter VIII

KING WILLIAM'S WAR

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Causes of the War—Kancamagus, Chief of the Penacooks—Massacre at Cochecho—Death of Major Waldern—Character of Waldern—Escape of Mrs. Heard—List of the Slain and Captives—Huckins Garrison at Oyster River—Attack on Salmon Falls and Berwick—Massacre at Fox Point Doubted—Hope Hood—Seven Killed at Newmarket—Battle of Wheelwright's Pond—Capt. Sherburne Slain at Maquoit—Twenty Killed at Sandy Beach—Seventeen Indians Surprised and Slain—Attack on Dunstable—Treaty of Peace at Pemaquid—Conduct of French Missionaries—Massacre at Oyster River—Sixteen Houses Burned—Nearly One Hundred Killed and Captured—Killing of Mrs. Ursula Cutt—Attack on the Settlement at Sagamore Creek and Sherburne's Plain—Cochecho again Assailed—More Killed at Oyster River—Hannah Dustin—Treaty of Peace Made at Casco—Losses Occasioned by the War.

THE aim of this chapter is not to give a history of the French and Indian War, known as King William's War, but only to state the part that New Hampshire had in that conflict, with only such brief mention of external events as seem necessary to show logical connections. The remote causes of the war were many, chief among them being the treacherous betrayal of the Indians in the sham fight at Dover, about thirteen years before. The immediate cause is said by historians to have been the plundering of the Baron de St. Castine's house by Governor Edmund Andros in 1688. The former lived on debatable land, between the Penobscot and the St. Croix, claimed by both France and England. Castine had resided many years among the eastern Indians, married wives from among them and so was able to stir them up to war on the ground of abuses which they had received from time to time. There are always reasons enough for what we want and are determined to have. Some Indians were arrested for stealing cattle, and Andros had them liberated and was severely criticized for so doing. Then he sent an army of seven hundred soldiers against them, who returned without seeing an Indian. The sagamore, Kancamagus, alias John Hawkins, chief of the Penacook Indians, did not share the friendly feeling toward the whitemen that his father Wonalancet

and grandfather, Passaconaway, had always manifested. He and his small tribe had been in the sham fight and were captured, though immediately afterward liberated. Still the Penacooks remembered that event with cherished feeling of hatred and longing for revenge. The soldiers who took part in that fight were from Cochecho, Oyster River, Salmon Falls and Kittery, so far as the Indians could judge, and these places were marked by them for slaughter. Especially Major Richard Waldern and Major Charles Frost were held responsible. The tribes of Penacook and Pequawket joined to themselves some strange Indians and planned the attack on Cochecho, where there were five garrison houses. Three of them were on the north side of the River, viz., Waldern's near the site of the present county buildings, Otis's a short distance north, and Heard's still further north and on a little hill, afterward called Garrison Hill. The garrisons on the south of the river belonged to Peter Coffin and his son. These houses were surrounded by palisades, or walls of timber, and the gates thereof, as well as of the house-doors, were secured by bolts and bars. Indians were continually coming to Cochecho to trade furs for whatever the whitemen might persuade them to buy and so they knew well every house in the settlement.

On the night of the twenty-seventh of June, 1689, no watch was kept. This is astonishing, for suspicions had been aroused, and rumors were carried to the ear of Major Waldern. He thought he knew well the Indians and that there was no danger. Old age may have weakened his usual caution. He said he could summon a hundred defenders by lifting his finger, and told the fearful ones to go and plant their pumpkins. A young man told him that the town was full of Indians, but how could an aged Major learn caution of a young man? We know the story of Gen. Braddock and George Washington.

Two squaws asked for lodging at each of the garrisons, a not unusual thing. Their requests were granted and even they were instructed how to unbar and open the doors and gates. The hints contained in their ambiguous words were understood only when it was too late. They told Major Waldern that some Indians were coming to trade with him on the morrow. The squaws were admitted to all the garrisons save that of the younger Coffin, and they watched by the fires on the hearths.

When all were asleep but themselves they opened the doors and gates to the Indians waiting in the darkness, who entered, left a guard at the gate and rushed into the Major's apartment. Awakened from sleep he seized his sword and drove them out, though he was seventy-four years old. Returning to his room for other weapons he was stunned by a blow from behind with a hatchet. He was bound and placed in an elbow chair on a long table in the hall. The Indians compelled the other members of the household to get them something to eat, and after they had feasted they fell to taunting and torturing the man they had hated so long. "Here I cross out my account," each said as he drew his knife across the Major's breast, referring to their unsettled trading in furs. "Who shall judge Indians Now?" they tauntingly shouted. Then they cut off his nose and ears and forced them into his mouth. Weakened by loss of blood he fell from the table and one of the Indians mercifully held the Major's own sword so that he fell upon it and put an end to his sufferings. An unpublished tradition in Dover still recounts that he was in the habit of saying to the Indians that his fist weighed a pound when weighing peltry, and so he bore down as he thought best in the opposite scale. After he was slain, they cut off his hand and weighed it, and to their surprise it weighed just a pound, which fact stirred up superstitious fears.

Thus perished Major Richard Waldern, founder of the present city of Dover. He was, undoubtedly, the ablest man in the province, if by ability we mean executive force and leadership in peace and war. That the General Court should five times select him their speaker, a man from a distant town and not a member of a ring at Boston, is proof of his popularity and efficiency as a presiding officer. There was no military office in the province higher than his, and he often had supreme command of expeditions against the Indians. His counsel was sought, and politically he generally had his own way, in spite of courts and orders from the king. As builder of mills and lumber-merchant he fostered the settlement and enriched himself. For many years he paid no taxes, since he was a member of the governor's council. His prominence among the first settlers is probably due in part to the fact that he "got there first," saw the advantage of a large water-power and had the capital to develop it, receiving almost gratuitously large grants

of land and timber. He was a stern, hard man, as his pitiless sentence against the Quaker women shows; a tricky opportunist, as the sham fight testifies; a fomenter of disloyalty to the king or an independent patriot, according to our point of view. The Indians killed his son-in-law, Abraham Lee, at the same time, and carried Mrs. Lee into captivity. The garrison house was pillaged and burned.

The garrison of Richard Otis suffered the same fate. He and his son, Stephen Otis, were slain. The latter had married Mary Pitman of Oyster River, April 16, 1674. She probably was carried into captivity with her children, John, Rose and Stephen Otis. Rose Otis returned after 1694 and married John Pinkham. The third wife of Richard Otis was Grizel, daughter of James Warren of upper Kittery, now South Berwick, Maine. Their daughter, Hannah, was killed, having her head dashed against the chamber stairs. Grizel Otis and a babe, three months old, named Margaret, were carried to Canada, where both were baptized in the Roman Catholic Church, the former as Mary Madeleine Warren and the latter as Christine. Mrs. Otis married in Canada Philip Robitaille, lived to the age of 89 and had several children. Christine Otis married a Frenchman, named Le Beau, and had children in Canada. After the death of her husband she returned to Dover and married Capt. Thomas Baker of Northampton, Massachusetts, and had other children. She embraced the Protestant faith, which occasioned an interesting letter from a priest in Canada, who sought to reconvert her, and a reply thereto by Governor William Burnett.¹ She died February 23, 1773, having lived "a pattern of industry, prudence and economy."

The garrison of Capt. John Heard was saved by the barking of a dog and the presence of mind of Elder William Wentworth, who fell upon his back so as to escape the bullets of the Indians and set his feet against the door, holding it till he had alarmed the inmates of the house. He has already been mentioned as one of the first settlers of Exeter, and from him were descended the governors Wentworth. The wife of John Heard was Elizabeth, daughter of the Rev. Joseph Hull, sometime minister at Oyster River and the Isles of Shoals. She and some of her

¹ N. H. Hist. Coll. Vol. VIII, pp. 405-427.

children happened to be at Portsmouth on the night of the massacre. Coming up the Cochecho river in a canoe they heard the shouting of Indians and the firing of guns, about the break of day. They hoped to find refuge at Major Waldern's garrison, but they received no answer to their knocks and calls. Looking through a crack in the gate they saw Indians within and hastily fled, meeting with one of Otis's sons, who told them that his father and the rest of the family were killed. Mrs. Heard was unable to flee further and hid herself in a thicket of barbary bushes in the garden and a little later in other bushes about thirty rods from the house. Here a young Indian espied her and approached with pistol in hand. He peered into the bushes and went away. Soon he returned again and stared upon her as before. To her inquiry what he wanted he made no reply, but went away whooping. She stole away after the garrison had been burned, crossed the river on a boom and found shelter in the garrison of Captain Gerrish. The reason of her escape was this, that when the Indians were captured in the sham fight at Cochecho, 1676, a young Indian escaped and found refuge at her house. She concealed him and gave him his liberty, a kindness which he now requited by shielding her from harm, for Indians proverbially nourished gratitude as long as they did revenge. Five or six houses were burned, as well as the mills on the lower falls.

Peter Coffin's garrison house was captured and pillaged. Finding a bag of money the Indians compelled him to scatter it by handfuls on the floor, while they scrambled for it. His son, who had refused to admit the squaws the night before, was persuaded to surrender by their threats to kill his father. Both families were put into a deserted house, reserved as prisoners. In the confusion, while the Indians were plundering, the prisoners made their escape.

The garrison of Capt. John Gerrish, son-in-law of Major Waldern, seems to have been at some distance at Bellamy falls, but his daughter, Sarah Gerrish, aged seven years, lodged that night with the Waldern family and was captured and taken to Canada after much suffering. She was sent to a nunnery for education, but after some years returned to her parents and died at the age of sixteen.

There is no evidence that the house of Thomas Paine,

burned at this time, was a garrison. The family probably escaped, as shown by his will, made in New Castle, in 1694.

The journal of the Rev. John Pike, who was minister at Dover at that time and must have been well acquainted with the facts, says that twenty-three persons were killed, principal of whom were Major Waldern, Abraham Lee, Mr. Evans, Richard Otis, Joseph Dug (probably Douglass), Joseph Duncan, Daniel Lunt, Joseph Sanders, Stephen Otis, Joseph Buss, William Buss, William Arin, William Horn, and old widow Hanson. Twenty-nine were carried away captive, among whom were Joseph Chase, Mrs. Abraham Lee, Tobias Hanson's wife, Otis's wife and Sarah Gerrish. John Church was captured and escaped. The town records of Dover make no mention of this event nor of any town business for the next four years,—the silence of desolation.

Some Indians had warned Major Hinchman of Chelmsford of the designed attack upon Cochecho. He communicated the information to Secretary Addington, who wrote immediately to Major Waldern from Boston, but the messenger was delayed at Newbury ferry and so arrived a few hours too late.

Captain Noyes led a pursuing party to Penacook, where he destroyed some corn but found no Indians; Capt. John Wincol marched his soldiers to lake Winnipiseogee, where one or two Indians were cut down, as well as the corn. Thus the Indian rogues crept upon the settlements stealthily, made their attacks usually in the night, surprised the inhabitants, burned, pillaged and killed, and then ran away with their captives to Quebec, where the French gave them rewards for scalps and captive women and children.

A few days after the massacre at Cochecho about twenty Indians were seen skulking at Oyster River, and some houses were burned. Philip Crommett was dispatched to Hampton to obtain assistance from Capt. Samuel Sherburne. There was no further report of mischief done at Oyster River till the following August, when about sixty Indians, who had been concealed in the woods several days and watched the opportunity, attacked the house of Lieutenant James Huckins, poorly fortified. All the men were gathering corn, and soldiers under Captain Gardner had lodged at Huckins' house the night before and that

morning had marched away to Cochecho. All the men in the field were slain, including Lieut. James Huckins, whose garrison stood a few rods south of the house lately occupied by Deacon Winthrop S. Meserve, about a mile from Durham village. The field in which the men were slain lies southeast of the garrison, beyond Huckins' brook. Eighteen persons were either killed or captured. The house was defended for some time by women and two boys. After the Indians promised to spare their lives and the roof was on fire the boys surrendered; yet the Indians killed three or four of the children and carried away the rest of the inmates, except Robert Huckins, who escaped the next day. Belknap says that the Indians set one of the children upon a sharp stake, in the view of its distressed mother. Lieut. Huckins' widow was recovered after a year of captivity at an Indian fort in what is now Auburn, Maine, half a mile or so below the falls.

On the eighteenth of May, 1690, two hundred and fifty French and Indians, commanded by a French officer, Hertel, and the noted Indian chief, Hope Hood, made an attack upon Salmon Falls and Berwick. The attack began before sunrise when most of the people were in bed. No watch had been kept, either in fort or house. The fort and upwards of twenty houses were burned. Between eighty and one hundred persons were killed or taken, of whom twenty or thirty were men fit for military service. The Indians being pursued by forces hastily gathered made a stand at Wooster's River, where an indecisive fight occurred and several were slain. Another expedition of the French and Indians against the fort and settlement at Casco, Maine, and still another against Schenectady, New York, were equally "successful," from the enemy's point of view. Always the settlers were surprised. They felt so secure that no watch was kept. Repeated massacres could not teach them caution for more than a brief time.

The Rev. Cotton Mather, in his *Magnalia*, seemingly on the authority of a letter written by William Vaughan of Portsmouth, relates an attack made by Indians at Fox Point, where several houses were burned, six persons were taken captive, and a dozen more were killed, the Indians being led by Hope Hood. The late Charles W. Tuttle published weighty reasons for discrediting this report. The traditions of Fox Point and Bloody Point,

in Newington, say nothing about this massacre. Probate records, town records, Pike's Journal and church records say nothing about the slain and the captured. Vaughan's letter says that Capt. John Woodman of Oyster River was "forced to break up" his garrison, thus allowing the enemy to "come down that way" and to cross over to Fox Point in canoes, all of which is absurd to one who knows that region minutely. Did the Indians find canoes at the lower falls of Oyster River, near to Woodman's garrison? The garrison of Capt. John Woodman was never abandoned nor taken. The story of a massacre at Fox Point may be classed with another story related by Miss Mary P. Thompson, that seven daughters of William Durgin were taken from the north shore of Great Bay over to Furber's Point and there barbarously crucified,—a thing impossible to believe, especially since there is no evidence that William Durgin had any daughters at all. The people were everywhere in terror. Fears excited imagination. Rumor magnified hasty reports. Tradition multiplied assertions and handed them down as facts.²

Hope Hood is said to have been wounded in the fight at Fox Point and soon afterward to have been killed by some Canada Indians, who mistook him for one of the Iroquois, with whom they were at war. Local tradition declares that he died and was buried at Hope Hood Point in Dover.

Pike's Journal records that on the fourth day of July, 1690, seven persons were slain and a lad taken at Lamprey River, in the vicinity of the present village of Newmarket. The next day Hilton's garrison, in the present town of Newfields, was attacked, and Lieut. Bancroft in endeavoring to relieve it lost eight or nine of his men. On the sixth of July occurred the battle of Wheelwright's Pond, in what is now the town of Lee. Capt. Floyd was forced to retire with the loss of sixteen men, seven of whom, wounded, were picked up the following day by Capt. Converse and brought to the hospital. In this battle, which was a running fight, one hundred men were engaged, under command of Capt. Noah Wiswall and Capt. John Floyd, who led their men from Dover and began the fight at Newtown, near Turtle Pond. All the militiamen of Oyster River joined in the fight.

² Tuttle's Historical Papers, pp. 161-171; Miss Thompson's Landmarks in Ancient Dover.

James Smith, who lived at the Falls, made such haste that he died of a surfeit. Thomas Footman was impressed as a soldier and was laid up in the hospital at Portsmouth seven months as the result of wounds received. Captain Wiswall, Lieutenant Flag, Sergeant Walker and twelve privates were killed. Within a week from this time forty persons were slain between Lamprey river and Amesbury.³

In the summer of 1691 a large force under four captains was sent against the Indians at Maquoit, about three miles south of the present village of Brunswick, Maine, then known as Pejepscot. Finding no enemy they were reembarking when the Indians fell upon them from ambush, and Captain Samuel Sherburne, inn-keeper at Hampton, was slain on the fourth of August. He was one of the prominent men of that town, thrice selectman and once deputy to the General Court. On the last Tuesday of September from twenty to forty Indians came in canoes from the eastward and landed at Sandy Beach, now in the town of Rye, a little after noon. They avoided the garrison and fell upon defenceless families, killing and making captive twenty of the old men, women and children. The Brackett and Rand families were especially afflicted. The Indians were seen carrying canoes on their heads. Next morning companies of soldiers from Hampton and Portsmouth came to the place and found only smoking ruins, the bodies of thirteen slain and the tracks of women and children who had been carried away.

At this time New Hampshire was without a government, and delegates met in Portsmouth to devise some method of common defence. Scouts were sent out to range the woods, going in small parties from one frontier post to another. A young man was fired upon near Cochecho, in the woods. Lieutenant Wilson went out with eighteen men, came upon the Indians unawares and killed or wounded the whole party, save one. After this there was little fighting in New Hampshire for the space of more than two years, though the Indians continued to commit depredations in Maine, especially attacking Storer's garrison in Wells. Meanwhile a conference had been held with the Indians at Sagadahock. They brought in ten captives and agreed to a truce, till the first day of May. Hostilities began again in June.

³ Belknap's Hist. of N. H., p. 134.

Thus the war wore on, bands of Indians making raids all along the Maine and New Hampshire frontiers at unexpected times and places.

In the evening of the second day of September, 1691, the Indians fell upon a settlement at Salmon Brook, in the old town of Dunstable, notwithstanding fifty scouts were ranging the woods. The town records inform us that the slain were Benjamin Hassell Senior, Anna Hassell his wife, Benjamin Hassell their son, and Mary daughter of Patrick Marks. On the morning of the twenty-eighth of September, in the same year, Obadiah Perry and Christopher Perry of Dunstable were killed. So much were the inhabitants terrified that two-thirds of them fled the town and in 1699 there were left only twenty heads of families.⁴

On the eleventh of August, 1693, the Indians of the east made a solemn agreement with the agents of Sir William Phips, governor of Massachusetts, to abstain from all hostilities against the English. The treaty was made in the fort at Pemaquid. They agreed to abandon the French and to be subject to the crown of England, to restore all captives and live in perpetual peace with the settlers. Four Indians were delivered as hostages. Sixteen Indian chiefs signed the agreement, among whom were Bomazeen and Doney, who within a year led in the attack upon Oyster River. On account of some disagreement of Sir William Phips with the president and council at Portsmouth about the seizure of a ship, Phips drew off the soldiers that Massachusetts had stationed in the province of New Hampshire. There was also difficulty and delay about raising the money to pay their expenses. New Hampshire seems to have been too much inclined to rely upon other provinces for protection, and the council once advised the governor to call upon Connecticut for aid. Yet it should be said to the honor of New Hampshire, that amid fearful massacres and continual alarms, while the eastern parts of Maine were abandoned as far as the town of Wells, no part of the four towns of New Hampshire was forsaken by settlers. After every burning they built again and stronger and better than before, determined to hold on to their lands, in spite of foes at court or in ambush.

⁴ Hill's Old Dunstable, p. 11.

The only injury done by the Indians in the year 1693 was on the tenth of May, when, as Pike relates, Tobias Hanson of Dover was killed, "as he travelled the path near the west corner of Thomas Downs' field."

It has been asserted that the Indians toward the east were incited by the French emissaries to break the peace agreed upon in the treaty of Pemaquid. In an address of the general assembly of New Hampshire to the king, about the year 1700, they refer to "the late war with the barbarous and treacherous enemy, the eastern Indians, whose bloody nature and perfidy have been much aggravated and improved of late years by Popish Emmis-saries from ffrance who have taught 'em that breaking faith with and murdering us is the sure way to gain paradise, and so far have deluded their Indian Disciples with their Inchantments and evil Superstitions that they are taught to spare neither age nor sex, having killed and scalped all (except a very few) both old and young that came within their power during the whole course of the war, and we know not how long these bloody Indians will forbear their hostilities. The ffrrench Missionaries continuing among them as they do and poysoning them with their Hellish doctrines to the withdrawing them from their former Obedience and subjection to your Majesty."⁵

These assertions as to the conduct of the French mission-aries should be well scrutinized before being accepted at face value. The oppositions between Protestants and Roman Cath-olics were then so bitter and deep that each party was accused of wrongs. In every war there have been atrocities on both sides, and they are not to be laid at the door of religion, true or false. The lowest passions are aroused and delight in cruelty, under the plea of necessary retaliation. Religious principle may restrain the educated few; superstition may deaden the con-sciences of the ignorant many. The Indians were out for revenge and plunder, and the results were not so terrible as are those of recent wars of nominally Christian nations. No air-ships sailed about, dropping bombs ruthlessly upon the homes of defenceless women and children, while ministers were be-seeching God for the protection and success of the armies that perpetrated such outrages. In time of war there has been very

⁵ Manuscript at Concord, N. H., copied from English Archives, No. 1001.

little difference between Protestantism, Roman Catholicism and heathenism. All alike are freed from the restraints of peaceful civilization.

The French and Indians seem to have had little regard for solemn treaties of peace. That of Pemaquid was suddenly broken by the attack on the inhabitants of Oyster River, July 18, 1694, said by captives to have been talked of in the streets of Quebec two months before. The commander of the French at Penobscot was Monsieur de Villieu, who had defended Quebec against the expedition of Sir William Phips. He collected an army of about two hundred and fifty from the eastern tribes, who were accompanied by at least two French priests. There were warnings that led some to be apprehensive of danger. Knocks were heard by night at certain doors, and stones were thrown at garrisons, to find out whether the houses and garrisons were defended and whether any watch were kept. Even this did not put the inhabitants on their guard. The plan of the enemy was to burn every house on both sides of Oyster river and along the north shore of Great Bay. Small bands of Indians were to make simultaneous attacks, but the plan was somewhat defeated by the premature shooting of John Dean, at the lower Falls, now Durham village. The Indians who had been concealed in the woods made their attack here before dawn, and Dean was going to the pasture to catch his horse, intending to leave home early in the morning. Some impatient Indian fired upon him and killed him. The report of the gun alarmed some households, and the word of warning was spread as far and as rapidly as possible. The undefended fled to the nearest garrisons and some were slain in their flight. Mrs. Dean and her daughters were captured and taken to a spruce swamp and left in the care of an old Indian who had a violent headache. He proved to be the sagamore Doney. He asked Mrs. Dean for a remedy for headache, and she replied "occapee," the Indian word for rum. He became intoxicated, and his captives made their escape, hiding in a thicket during the day and going down the river in a canoe by night to Burnham's garrison, where they found protection.

The next house attacked was that of Ensign John Davis, who lived half a mile below the Falls. He surrendered on the promise of safety, yet he, his wife and several children were

killed and his house was burned. Two daughters were made captive and carried to Canada, where one, Mary Ann, became a sister of Saint Benedict of the Ursuline Convent. The other, Sarah, returned and married Peter Mason.

The garrison of Jeremiah Burnham was on the hilltop where Ambrose Gibbons had built his house over fifty years before. Hither fled Moses Davis and gave the alarm. John Willey also spent the night at this garrison and had been kept awake by toothache, thus hearing the first shot. Ten Indians had been sent to surprise this garrison, but they fell asleep on the bank of the river. Shouts aroused the family of Ezekiel Pitman, who lived only a gunshot's distance from Burnham's. They escaped through one end of the house while the Indians were entering the other, and protected by the shade of trees found their way to the Burnham garrison, on which no serious attack was made, the place being well situated for defence and the occupants now ready for action.

The house of Stephen Jenkins was attacked by Bomazeen and ten Indians more. The family fled into the corn field, where Mr. Jenkins was shot, tomahawked and scalped by Bomazeen himself, the same sachem that had signed the treaty of peace at Pemaquid and who in 1724 was killed in war at Taconnet Falls, near what is now Winslow, Maine, while trying to escape by swimming. Mrs. Ann Jenkins was carried captive to Penacook and thence to Norridgewock, but returned to give testimony against Bomazeen in his trial at Boston after he had been taken at Pemaquid. She said that Bomazeen knocked one of her children on the head, scalped her and then put her in the arms of her dying father and stabbed the breast. He also killed and scalped the grandmother of Mr. Jenkins. Three children went into captivity with their mother. Bomazeen's wife was especially cruel to her and beat her seven times, intending thus to put an end to her life, but she was kindly bought and rescued by an Indian minister called prince Waxaway, who also bought three more captives and rescued them, so that it appears that the influence of the Jesuit missionaries upon Indian character produced some good results.

The next house to that of Stephen Jenkins was the parsonage of the Rev. John Buss, who was away from home. The house was plundered and burned, while the church near by,

built in 1656, was left uninjured. The family of Mr. Buss escaped by hiding among the trees. Tradition says that the French priests made some chalk-marks on the pulpit of parson Buss, some words of holy writ perhaps, as has been conjectured and as we are privileged to hope. The house of Bartholomew Stevenson was burned, and probably his two brothers, Thomas and Joseph, were slain.

Thomas and Francis Drew were killed, and the Drew garrison was destroyed. Francis Drew's wife was taken and was so enfeebled by hunger that she was left to die in the woods. His oldest son, Thomas, and his young wife were taken, he being carried to Canada and she to Norridgewock, whence she returned after four years, rejoined her liberated husband and became the mother of fourteen children. She was dragged out of a window of her house by the chief, Bomazeen. She was delivered of a child in the winter, in the open air, in a violent snow storm. The Indians killed it, since she was unable to provide it with food. She lived fourteen days on a decoction of the bark of trees. There were fifteen in the Drew family. John Drew escaped from a window, to be slain by Indians a few years later. Benjamin Drew, only nine years of age, was carried over lake Winnepiseogee and there made to run the gauntlet till he was cut down with tomahawks.

The garrison of Charles Adams, at Oyster River Point, was burned and all its inmates perished, to the number of fifteen. One pregnant wife was ripped up, and her child was found scorched. All were buried in a mound that still tells its sad story.

Thomas Bickford defended his garrison at the extreme Point by a ruse, having sent his family in a canoe over to the opposite shore. He had several guns and appeared from time to time in different costume and issued his military orders, so that the Indians were deceived into the belief that the garrison was well manned. Three daughters of the Willey family, next to Bickford's, were captives in Canada five years later.

The garrison of Thomas Edgerly was burned and some children were killed. He, his wife, and her sister escaped by hiding in the cellar. Thomas Edgerly Senior, who had been a judge, barely escaped, while his son was wounded, and some daughters were captured. John Rand and wife Remembrance

were probably killed and some of the family were carried away. Joseph Kent hid himself in a drain and lay there all day, while the Indians were drawn off by firing elsewhere, thus giving his wife and children opportunity to escape. William Graves was wounded, Peter Denbow was made captive, and the inhabitants of Lubberland, along the north shore of Great Bay, were forced to flee in boats to the other side. Not much damage was done at Lubberland. There is no account of any attack upon the Mathes garrison at the Point.

Another band of Indians were doing their deadly work on the north side of Oyster river. The barking of a dog woke Ensign Stephen Jones, who just escaped the bullet that a concealed Indian fired at him, as he was sitting on the top of a flanker of his garrison. Hester Chesley, who married John Hall, leaped from a window with a babe in her arms and found refuge at the Jones garrison. Others were not so fortunate and were cut down in their flight, among them being Robert Watson, whose wife was later redeemed from captivity and married Deacon John Ambler. Her son also was captured. Twenty pounds was the price of her ransom. The wife of Edward Leathers and some of her children were killed, as well as a woman named Jackson. Mrs. Judith (Davis) Emerson was taken and held in captivity several years. Her aged mother hid in a field of corn, but was discovered and slain. The aged Robert Huckins, who had escaped the massacre of 1689, was killed at this time.

Further down the river the garrisons of Bunker, Smith, and Lieutenant James Davis were successfully defended, doubtless being warned by the sight of other burning houses. Lieutenant Davis was fired upon by three Indians, and he shot one whose bones were found in a swamp soon after. The Meader garrison was abandoned and burned, the family escaping by boat.

In the northern part of the plantation the house of John Derry was burned, some of his children were killed, and he with his wife and one son was taken into captivity, where he soon died. William Tasker, who lived near by was awakened by an Indian asking at his window if it was not time for him to get up. The reply was a shot that mortally wounded the Indian. The family escaped to Woodman's garrison, which was assailed by the united bands of Indians after their bloody raids on both

sides of the river. The garrison held out, and after the priests had said mass within sight of it, on a ledge of rock, they went away with their plunder and captives. To sum up what has been written, sixteen houses and garrisons were burned, forty-nine or more were slain, and nearly fifty were taken captive. Yet the surviving inhabitants did not run away. Soldiers from Hampton came to their relief, and most of the families soon rebuilt their houses. Here and there a lonely cellar may be found, concealed amid trees and bushes, where a garrison stood before 1694, and a mound of earth with some unlettered, oblong, granite stones tells where some of the slain were buried.

After the massacre at Oyster River the party of Indians divided, some going to Groton to ravage that town, and the rest crossing the Pascataqua and surprising Ursula, widow of President Cutt, with three men, as they were making hay in the field. She lived about two miles above Portsmouth. All were killed and scalped. Colonel Richard Waldron and wife were about to take boat to dine with her when they were prevented by the arrival of friends, and while they were at dinner news was received of Mrs. Cutt's death.

Two men were killed at Exeter in July, 1695, and no further depredations are on record for that year. The following year, on the seventh of May, John Church of Cochecho, who had been captured and had escaped in the massacre of 1689, was killed and scalped "as he traveled to seek his horse, up a little hill, betwixt Cochecho and Tole-end," and on the twenty-seventh of August David Davis was killed at Lubberland, in the parish of Oyster River. There are no particulars of these sad events. On the twenty-sixth of June the Indians fell upon the settlement at Sagamore Creek and Sherburne's plain, about two miles from Portsmouth village. They came from York to Sandy Beach in canoes. The following is the fullest account that has been preserved of this attack, by one who had unusual opportunity to learn the details, "The Indians secreted themselves among the bushes the night preceding. They were at their stations before daylight, and early in the morning made an assault on five houses at the same time. The people ran out as soon as the alarm was given, and the Indians killed fourteen persons; one, whom they supposed was dead, and had scalped, afterwards recovered. They took four prisoners, and having

plundered the houses they set them on fire and retreated through a great swamp about four or five miles, where they stopped on the declivity of a hill to prepare some breakfast; which has ever since retained the name of Breakfast Hill. A company of militia, under the command of Captain Shackford and Lieutenant Libbey, immediately pursued and overtook them in this situation. The Indians had placed their captives above them on the hill to receive the fire in case they should be attacked. The militia rushed upon them, rescued the prisoners and the plunder, but the enemy escaped by concealing themselves in the swamp till night, when they took possession of their canoes. A party was sent out in boats, which were arranged in a line to intercept them in their passage to the eastward; the captain being too sanguine, gave orders to fire before the enemy were within reach of their guns, upon which they altered their course and escaped by going round the Isle of Shoals.”⁶

In Brewster's *Rambles About Portsmouth* a list of the killed and wounded in this massacre at the Plains is given. The killed were Thomas Onion aged 74, Joseph Holmes aged 20, Hixon Foss 17, Peter Moe 40, James Jaffrey's child 4, John Jones 32, William Howard 30, Richard Parshley 25, Samuel Foss Jr. 16, Betsey Babb 14, Nancy White 8, William Cate Jr. 16, and Dinah the slave of John Brewster. The wounded were Peggy Jones aged 76, William Cate's three children, Daniel Jackson aged 41, and Mary Brewster, who was scalped and left for dead, yet lived to be the mother of four sons.

On the same day the people at Cochecho were waylaid and fired upon as they were returning from meeting. The persons killed were Nicholas Otis, Mary Downs and Mary Jones. The wounded were Richard Otis, Anthony Lowden and Experience Heard. Those captured were John Tucker, Nicholas Otis Jr., and Judith Ricker. These named were recorded by the minister, the Rev. John Pike. The following year administration on the estate of Samuel Heard was granted to his widow, Experience Heard.

On the twenty-seventh of August, 1696, Lieut. John Locke was surprised and killed in his field, at Jocelyn's Neck, in Hamp-

⁶ Adams' Annals of Portsmouth, p. 102-3.

ton, and soon after Arnold Breck was shot at between Hampton and Greenland.

While the province of Maine and the town of Haverhill, Massachusetts, suffered severely during the year 1697, the only one killed in New Hampshire, of which there is record, was Thomas Chesley Senior, of Oyster River, who was slain near Johnson's Creek, on the fifteenth of November. At the same time William Jackson was captured and soon made his escape. It was during the assault on Haverhill that Hannah Dustin was taken and conveyed to a small island at the mouth of the Contoocook river, about six miles above the city of Concord. The story of how, with the assistance of another woman and a youth, she rose in the night and tomahawked and scalped her captors, returning to her home, is well known. A monument to commemorate the daring deed has been erected on the island and another may be seen in Dustin Square, Haverhill, and the site of the Dustin residence is now a public park, with an immense commemorative boulder thereon.

After the peace of Ryswick, 1698, Count Frontenac advised the eastern Indians to make peace with the English, which accordingly was done at Casco on the ninth of January, 1699. Some captives were then restored to their friends, and the returning of others was promised in the spring, but many of the younger captives remained in Canada, having married there. A public thanksgiving was ordered by the governor and council of New Hampshire, December 13, 1698. Among other causes of gratitude to God was mentioned the fact of His "so long restraining the Heathen Enemie from making their barbarous incursions upon us," which shows how quickly people can forget their calamities. During the previous "Decade of Grief" sixty distinct attacks had been made on New England settlements by the French and Indians, as enumerated by Mr. Farmer. Five hundred and seventy-one had been slain. He reports only eighty-two wounded during this time. This may be because the Indians were in the habit of leaving but few wounded, since the scalps of dead men were profitable. One hundred and sixty-two prisoners are reported, though this must have been only a small part of those who were carried to Canada and to Norridgewock. Many of those taken to Canada were baptized into the faith of the Roman Catholic Church, and very few of

such ever returned to the Protestant faith. Some were content to spend their lives in nunneries. Others were ransomed after years of captivity, and some who were anxiously sought could not be found. As for the Indian tribes their losses were not heavy. They always came by night, killed, plundered and ran away to attack some distant place in like manner. Continual warfare, however, for ten years wasted their possessions, and they were eager to accept the advice of the French, after France had made peace with England, and submit themselves, in the words of a treaty at least, to the British government. But wars stir up hatreds that last long and flame out on slight provocation. History has shown that the nations of Europe must be at peace, or else their colonies are drawn into the quarrels of the old world. Hence the story of the Indian wars in New England must be long drawn out in later chapters, although it is far from being "linked sweetness."

Chapter 1X

FIVE TROUBLOUS AND TROUBLED
GOVERNORS

Chapter IX

FIVE TROUBLOUS AND TROUBLED GOVERNORS.

John Usher—Removal and Mutilation of Records—No Salary for Governors—William Partridge as Lieutenant Governor—Charles Story Secretary—Shadrach Walton Commander of the Fort—Report of Usher to the Lords of Trade—Richard Coote, Earl of Bellomont—A Diplomatic Letter—Governor Samuel Allen—Reception of Bellomont—His First Impressions—Scheme to Employ Mohawks as Allies—The Earl Changes His Mind—Contempt for Mechanics in Office—Would Prohibit Exportation of Lumber and Turn New Hampshire Settlers into Fishermen—Matrimonial Alliances Proposed by Allen—Bellomont's Opinion of New Hampshire Lawyers—No Laws Binding on People not Represented in Parliament—Partridge a Mere Figure-head—Repair of Fort William and Mary—Obstinate Juries—Evasions of Law—Joseph Dudley Appointed Governor—Letter of George Jaffrey—No Special Verdict—Waste Lands Conceded to Allen—New Commission of John Usher as Lieutenant Governor—Convention of Landholders—Their Proposal—Death of Samuel Allen—New Castle Incorporated—Kingston.

JOHN USHER arrived and published his commission as Lieutenant Governor, August 13, 1692. He had been a wealthy stationer in Boston and continued to reside there and carry on his business, visiting the province from time to time. He had little sympathy with the people of New Hampshire in their contention with Samuel Allen for the possession of their estates. It was known that he had been a member of the council of the hated Andros and that he was an owner in the million acre purchase. His letters to officials in London indicate that he soon caught the spirit and views of his predecessors in office and looked upon the political leaders in New Hampshire as disloyal and rebellious. He seems to have had an undue sense of the dignity and importance of his office, as is the manner of many "dressed in a little brief authority." He was a man of business, intent on gains, rather than a statesman and courtier. His letters have neither learning nor literary polish, and his speech is said to have been loud, stern and domineering. If his hand was not of iron, it was at least ungloved. Doubtless the oppositions he met tended to make him more imperious and

to assert his independence of subordinates. Those who crossed his pathway were treated with severity, and some of the obstinate ones of Portsmouth were shown the way to prison. Yet he cared for the interests of the province, so far as they did not conflict with the claims of Samuel Allen. In the time of Indian raids he advanced money from his own pocket for payment of military expenses in the defence of the frontiers. He wanted to be a real governor and put into effect the decisions of the royal council; the people wanted only a nominal governor, who would allow them practical independence and especially leave them undisturbed in the possession of their lands. Hence he encountered the same difficulties as Cranfield.

While Richard Chamberlain was secretary of the province and clerk of the council, the records had been taken forcibly from him by Capt. John Pickering and carried to Kittery, where they are said to have been kept in the garrison house of Major Joseph Hammond, at a place now known as Greenacre, in Eliot. Usher had difficulty in recovering the records. Pickering said that they had been committed to him by the people and would be restored only by a vote of the assembly. It was found in 1702 that the records had been mutilated, twenty-four leaves having been cut out, which contained the decisions of court against the landowners in the times of Cranfield and Barefoot. Whether this unjust mutilation of public records was the work of John Pickering or of William Vaughan does not appear, yet suspicion falls on one or the other, as they had the opportunity, Vaughan having the custody of the records from 1697 to 1702. John Pickering probably will be held accountable, who after being threatened and imprisoned delivered the records to the new Secretary, Henry Penny. It was asserted, seventy-five years later, by Theodore Atkinson, then secretary of the province, that "widows and orphans and other innocent persons suffered by not being able to secure their titles to property."¹

In the organization of Usher's council there was a hitch in the proceedings because some were unwilling to take oath of office with hand upon the Bible, according to custom in England, and insisted upon being sworn with the uplifted hand. The objectors were Major Elias Stileman, Samuel Keais and Job

¹ Sanborn's *New Hampshire*, p. 163.

Clements. The council voted to allow them the liberty formerly granted in the province, though John Hinckes objected and refused to administer the oath in this manner.

The old question of raising money troubled the new governor. The assembly would vote nothing for the support of government, pleading poverty occasioned by the Indian war. They asked him to appeal to the king for aid, and finally voted a duty on articles of export, "provided he and the council would join with them in petitioning the king to annex them to Massachusetts." Such a petition is not on record. The province was always very poor in the estimation of the assembly whenever they were asked to assess a tax for what they did not approve. Mr. Usher alludes to this propensity in a letter to the Lords of Trade and Plantations, dated July 1, 1694, in which he tells of the suspension of John Hinckes as a member of the council and of the imprisonment of William Partridge, treasurer of the province. He adds, "If ever there was any Sore Tryall to manage a government by virtue of the King's Commission, am sure none like to the province of Hampshire. Tho' butt a few people, yett being overawed by 2 or 3 persons, doe what in them Lyes to affront & oppose the King's Commission... Time was when they could govern among themselves without Commission, the Strings of their Majestys Subjects purse could be stretched to pay for their Irregularities, tho' poorer than now, butt now let the King appoint a Governor, tho' they doe not kill him outright, yett will starve him to death before they will contribute one penney to his subsistence."² Later he wrote that he had been in New Hampshire five years at a cost to himself of five hundred pounds and had never received one penny from the province, and that he had paid out of his own purse four hundred pounds for the relief of those who had suffered from the depredations of the Indians and for their defense; that the people of New Hampshire were not poor but sullen; that they wanted everything for nothing; that they asked Massachusetts to send men for their defense and to pay the bills of the same; that to his own knowledge there were persons in Portsmouth who had one hundred pounds per annum and were rated at only twenty pounds, when if the same estate was in

² Ms. at Concord No. 697.

Boston it would be rated at forty pounds, "and yet they plead poverty, but the truth is that it's not poverty but only the King will have it a distinct government immediately under himself, but the people will not have it soe; so much for loyalty."

Again Mr. Usher wrote to the Lords of Trade and Plantation, September 30, 1696, that his estate had been wasted for support of the honor of the government, "my sperritt even sunk within me, to have to do with a disloyall people That is for noe King att all, de facto, and none to strengthen my hands, and to see the King like to lose a government, wherein he is most immediately concerned in these parts, that I am brought to Lord have mercy upon me, desiring that after four years Algier Captivity have a deliverance."³

He said it was difficult to find men who would be faithful to the king. He dismissed Nathaniel Weare from being judge and put Joseph Smith in his place. He suspended John Hinckes, William Vaughan and Colonel Richard Waldron as members of the council, yet these with divers others reseated themselves, seized the government, dismissed several persons from office and commissioned others "without any legal authority," as Usher writes. Hence he protests against such proceedings and names Capt. Nathaniel Fryer, president, and Peter Coffin, Robert Elliot, Henry Green, Nathaniel Weare, Joseph Smith, Kingsley Hall as councilors. This protest was dated February 8, 1696/7.⁴

Mr. Usher was disappointed in not receiving the two hundred and fifty pounds that had been promised to him by Samuel Allen, in whose stead he was trying to govern New Hampshire, and to whose interests he had been faithful. Tired out and discouraged he desired Allen to come over and take the reins of government in his own hands and try to drive unbroken steeds, or to send over a successor to act as lieutenant governor. He was not aware that a petition to that effect had already been sent to the king, and that William Partridge, a native of Portsmouth, had been recommended to Usher's office. He was a wealthy shipwright, treasurer of the province, and well known among merchants in England, having supplied the

³ Ms. at Concord No. 753.

⁴ Ms. at Concord No. 772.

navy with masts and timber. Mr. Partridge made a voyage to England and returned with a commission appointing himself as lieutenant governor. This commission was not formally and legally published, although the people knew what had taken place. The reason why he did not publish it at once may appear later in certain correspondence. John Hinckes as president of the council assumed to act as lieutenant governor before Partridge's commission was proclaimed, and John Pickering was made king's attorney. Thus New Hampshire, represented by a small group of men in Portsmouth, had self-government, almost independency, for a short time, while Usher was disputing with Partridge as to who was lieutenant governor. Partridge's commission was dated June 6, 1696, and was obtained by the aid of Sir Henry Ashurst, whose attitude toward the contestants is shown in a letter to the Lords of Trade and Plantations, dated June 22, 1697. "By uninterrupted information for nine years last past I have been assured that Mr. Waldron and Mr. Vaughan are persons of the greatest interest in New Hampshire, of good affection to the government, of great wisdom and integrity, that however they may be represented to your Lordships you will find them unworthy of Censure when they have liberty to answer for themselves."⁵

Ashurst, April 24, 1700, wrote a letter, asking compensation for services, saying "I have in your lowest estate appeared for you as your Agent. I have done you considerable service, procured you Mr. Partridge, your Lieutenant Governor, and was told that I should have a gratuity and a salary settled as the Agent." The Council voted him fifty pounds sterling, and a little later voted that one hundred pounds should be given to the Honorable William Partridge "for what he have expended for the use of this Province." Thus he had a free trip to London, besides his commission as Lieutenant Governor.⁶

The president and council wrote to Sir Henry Ashurst, February 16, 1696/7, that Mr. Partridge had arrived but had not yet taken oath of his office, and that John Hinckes and council were administering government; "that Governor Allen was pleased to send a person after Mr. Partridge, who overtook

⁵ MS. at Concord, No. 804.

⁶ N. H. Prov. Papers, pp. 125-6, 139.

him at Plymouth & came over in the same ship with him, by name Charles Storey, recommended to the place of secretary & clerk of our councill together with a Commission for Judge of the Admiralty within this province." Story was received "with all the Countenance, civility & respect he could rationally expect. But we quickly found him underserving thereof. . . . None were his Companions but Redford and Packer, two malcontents of Mr. Usher's party. Mr. Story was ordered by the council to deliver up the books but he refused. He was ordered into custody, and a warrant was issued to search for the books, which were quickly found and brought to the council board, and Story was told by the council that they dismissed him as secretary and clerk."⁷ The records were deposited with Major William Vaughan, who was appointed recorder, and were afterward kept in that office. Charles Story was dispatched by Lieutenant Governor Usher to England, with an account of these transactions, which Usher styles "the Pascataqua rebellion." Story returned and served very acceptably as Secretary of the Council till his death, in 1716. While in England he petitioned for reimbursement for his expenses, amounting to fifty-eight pounds, as well as for expenses in London and loss of one year's time.

In answer to the complaint of Usher, made through Charles Story, the lords of trade ordered him to continue to act as lieutenant governor till Mr. Partridge should qualify himself, or till the Earl of Bellomont should arrive. Accordingly he proceeded as far as Hampton. Soon after he reported that arms had been taken up against the king's government and that he had left the province, his life being in danger. At Hampton he made a speech in the church, before Mr. Cotton's sermon, and ordered out the militia in his own defense. He reports that of the two hundred and forty men in Hampton only twenty appeared with arms. He read his protest to the twenty and left the province. He afterward was informed that Major William Vaughan and Capt. John Pickering were at the head of the militia in Portsmouth and sent forty men to Hampton to seize Usher, and that Story and William Redford, deputy secretary, were in custody. John Hinckes had seized fort William

⁷ MS. of Concord, No. 777.

and Mary, at New Castle, as Shadrach Walton said in a petition to the king, Walton had been commander of the fort four years, and three years he had commanded a company in service against the Indians, in which campaign he was wounded several times and had never received any compensation for his services and expense.

While Usher was at Hampton the leaders in Portsmouth held a consultation by night, and the next day Partridge's commission was published formally, and he took the oaths prescribed. Usher reported these proceedings to the Lords of Trade and Plantations, December 13, 1697. He says that Partridge had neglected for a year to take the oath of his office, not qualifying while in England; that "the day after I had published your orders relating to the government, though not qualifying himselfe, he entered on the government, contrary to your orders, 3d of August, & Hincks gave him an oath. He then admitted three suspended persons to be of his Councill, without being restored by the King's Signett, or Signe manuall, & putt out Joseph Smith and Kingsley Hall, Esquire, members of the Councill and both loyall persons, which two persons satt with me in Councill the 13th instant, all extremely contrary to the Kings Commission....Has made one Penny Secretary, a person no ways qualified, being not a freeholder, nor worth five pounds in the world....Partridge, being Sincible he could not qualifie himselfe before entrance on the Government, had Hincks, Vaughan, Waldron, Eliott and Coffin to give their bonds to pay part of the one Thousand Pounds Penalty by the account, which with submission judge to be a high misdemeanor"... "Am informed Partridge hath with advice of his pretended Councill issued out Warrants to call an assembly for raising Money. If not qualified judge cannott legally soe doe."... "Reason why Partridge did not enter sooner on the Government because he had two vessells come from Bilboa with some iron, another with goods of Production of Europe, from Newfoundland, all Breaches of the acts of Trade, arrived this Summer"... "One reason judge why he soe Suddenly entered on ye Government because leastt I should make Ceisure of the vessell and part of the goods, the which I should have endeavored." Usher goes on to say that he had never had one penny for his services of seven years and had spent out of his own estate above seven

hundred pounds, besides expense of time, and claims the one thousand pounds penalty forfeited by Mr. Partridge.

On the other hand the council and assembly reported to their Lordships that Mr. Partridge had assumed the office of lieutenant governor and they gratefully acknowledged the favor in appointing "one of our own inhabitants." They added that "Mr. Usher began to give us some disturbance, and, as we understand, has complained to your lordships of our being without a government and in a lamentable condition; whereas the Province never was in a more quiet, peaceable condition; nor has there been any disturbance in it since Mr. Partridge's arrival; but only what Mr. Usher has endeavored to give us." This was dated February 3, 1697.⁸

On the twenty-fifth of February, 1697, the lords of trade recommended to the king the appointment of a governor-general of the provinces of Massachusetts, New Hampshire and New York, who should also be captain-general of all military forces therein and in Connecticut, Rhode Island and the Jerseys, with chief residence in New York and liberty to go to Boston and return on occasion and in such absence to appoint a deputy. Accordingly Richard, Earl of Bellomont, was appointed to this office. He was the only son of Richard Coote, styled Lord Coloony, and grandson of Sir Charles Coote, who barbarously massacred the inhabitants of Sligo in 1653, setting fire to the church whither women and children had fled. The son succeeded his father in 1683, served in parliament from 1688, and was created Earl of Bellomont in 1689. After his arrival in New York, where he remained one year, the council sent to him Ichabod Plaisted as their deputy, to present their congratulations and respects, allowing him twenty pounds for his journey, which was increased to over twenty-six pounds in his bill of expenses. His instructions show some knowledge of statecraft:

When you arrive at New York take good advice according to letters herewith given you, how to demean yourself: If you find my lord high and reserved, not easy of access, you must manage your business by some of the gentlemen about him; If you find him to give you a favorable reception and free to discourse, you then may let him know how universally the news

⁸ N. H. Prov. Papers, Vol. II, p. 267.

of his being our Governor did affect us with joy and satisfaction; you must also let him know that we daily expect Mr. Allen, whose commission for Governor here will be accounted valid until his Excellency's commission be here published; and query how we shall demean ourselves in such a case: in short, the principal end in sending you on this message is to pay our respects and duty to his lordship and to prevent Mr. Usher or any other mal-content prepossessing him with any ill thing against us; so that if Mr. Usher or any such be there, you must observe their carriage and endeavor to learn how they are received and treated by my lord; and forthwith, by the first post after your arrival, to give us an account of your affairs.⁹

Meanwhile Samuel Allen, proprietor of the province, came over and on the fifteenth of September 1698, took the oaths of office and assumed command as governor. At the same time John Usher, now his son-in-law, appeared and claimed to be a member of the council and lieutenant governor, holding that Partridge's assumption of the latter office was illegal. Mr. Allen allowed him to sit as a member of the council, whereat all of the members except Nathaniel Fryer withdrew in spite of Allen's command to the contrary. Nathaniel Weare declared he would not, by remaining in the council, put contempt on the king's commission. His son, Peter Weare, was appointed councilor in his place, and Sampson Sheafe now first appears as councilor and was made secretary in place of Charles Story. Sheafe was also collector of imposts. Joseph Smith and Kingsley Hall also were made councilors. The new Secretary could not obtain the province records, for Major Vaughan had absconded with them. He had gone to New York and the records were again with Major Hammond in Kittery.

Governor Allen advised the council to send congratulations to the Earl of Bellomont and was surprised to learn that this had already been done, and that no business of importance would be transacted before his arrival. Their last act was to vote that the revenues collected should remain unexpended till the Earl appeared on the scene. Thus Mr. Allen had only the name of governor. The constables he had appointed refused to collect the taxes, and he was obliged to reappoint the constables that he had deposed. Mr. Partridge withdrew from the council, but reassumed his office as lieutenant governor as soon as the Earl of Bellomont arrived.

These disturbances led to mutual recriminations. Joseph

⁹ N. H. Prov. Papers, Vol. II, p. 264.

Smith of Hampton wrote to John Usher, Jan. 17, 1698, saying that John Pickering, the speaker of the assembly, is "known to be of ill principles, being a common Drunkard, if not a notorious felon"; and in an address to the Earl of Bellomont, August 11, 1699, signed by William Partridge, John Hinckes, Peter Coffin, Robert Elliot, John Gerrish and Richard Waldron, as councilors, they declare that Sampson Sheafe, Shadrach Walton, Joseph Smith and Thomas Packer are unfit to hold office, for various reasons stated.¹⁰

Samuel Allen, doubtless urged on by John Usher, asserted his claim to lands purchased of the heirs of Mason, which was enough to intensify opposition to all his wishes. In reply to the expressed advice of the assembly to "carry on with a more moderate conduct" he said, "As for your future proceedings I do advise you to act safely. And finding, Gentlemen, your aim and drift is to strike at the Kings honor and prerogative, and countenancing of such who are violent against the same, I shall render an account unto his Majesty of my whole proceedings; and in the meanwhile you are dissolved; and in his Majestys name I do dissolve you. The Court is dissolved." And nobody doubted the fact. His reiterated statement made it perfectly clear.¹¹ At once Robert Elliot was suspended "for several mutinous and contemptuous words and carriages."

In the spring of 1699 the Earl of Bellomont set out for his eastern provinces. Elaborate preparations were made to receive him in New Hampshire. Twenty-five pounds and ten shillings were paid for a boat, oars, awning and carpet for the use of his Excellency. Major Joseph Smith, treasurer, was ordered to advance one hundred pounds for the reception of his Excellency and to make due provision for his entertainment. Later Colonel Richard Waldron was paid sixty-nine pounds for entertaining the Earl. Immediately on his arrival the council and assembly voted to him a present of five hundred pounds, tho too poor to grant any salary to Usher. A letter was drawn up and sent by special messengers, to be offered to the Earl on his arrival at Boston, and John Usher, the asserted lieutenant governor, Joseph Smith of Hampton and Captain Shadrach Walton con-

¹⁰ MS. at Concord, Nos. 828, 896.

¹¹ N. H. Prov. Papers, Vol. II, p. 293.

veyed it. The tone of this letter must have been quite different from the address of the council and assembly to the Earl after his arrival, in which they say that "John Usher, Esquire, during his exercise of the Government of this province, did manage the affairs thereof with so uneven a temper, with so much rashnesse and precipitency that it tended very much to the kings disservice and the Grievance and disquiet of his Majesties good Subjects, by reason whereof some of the principal inhabitants were forced to leave the province, and it has been particularly observed that sundry of the Gentlemen of the assembly, who discovered a different opinion from Mr. Usher, were by his order immediately upon the dissolution of the assembly taken up and sent as private Centinells to keep Garrison in the frontier towns and one particularly sent to prison besides sundry other Maladministrations."¹² Of course it was not fitting that men of wealth and station, in a time of common peril, should be impressed as common soldiers and sent to do duty on the frontier. The real work of keeping watch and ward and of being shot by Indians, as most people think, should be done by the poor men of low estate.

The Earl of Bellomont arrived and published his commission on the thirty-first of July, 1699, remaining in Portsmouth only eighteen days and never returning. First impressions are not always the best. The correspondence of the Earl reveals what his first impressions were and how they were subsequently modified. The impression made by him upon the people was a pleasing one, and he is known in history as the good and popular governor. The following citations from his letters may modify the impressions of the reader.

Writing to the Lords of Trade and Plantations, September 9, 1699, he says, that the charges of John Usher against William Partridge, John Hinckes, William Vaughan and Col. Richard Waldron "are not well grounded, proceeding more from Mr. Usher's unhappy Cholerick temper than any just occasion given by those persons he accused. I have charity enough for Mr. Usher to believe he meant well in what he did, yet I can not find but that he might have managed the people of New Hampshire easily enough, had his carriage been moderate." The Earl

¹² MS. at Concord, No. 897.

says he formed his opinion of Usher principally from the statements of Mr. Fryer and Mr. Coffin. That is, he wrote home about Mr. Usher, as his own opinion, what Usher's opponents said against him.¹³

The Earl goes on to express the wish that the propriety of lands in New Hampshire be settled; that it is impossible that there should be an equal and fair trial in the courts between Colonel Allen and the inhabitants, "for all are parties against him except those that have no substance or anything to lose, and such are not legally qualified to be judges or jurors." He says that Allen bought Mason's claim for three hundred pounds, "the cheapest purchase of that country that ever was heard of in any part of the world: for he has often told me, while I was at Pascattaway, that he reckoned upon £22,000 per an. in Quitrents at 3d per acre or 6d in the pound rent, and if he recovers the lands of that province, he intends to sue the people for all damages and trespasses committed in the woods ever since the year 79, which would amount to several hundred thousand pounds, this he told me himself"... "Let his title be what it will, I am sure the people here will never submit to part with their lands to him, and he must bring an army, if he means to get possession of them. After all I pity the man, he is I believe very necessitous and much in debt. Mr. Partridge intended to arrest him on an action of £2000 he owes him, but I prevailed with him to forbear." He says further that there were seven hundred families in the province and that common laboring men received as much as three shillings per day, and that the forests were being wasted.

He tells also of his scheme to send two hundred or three hundred Mohawks from New York against the eastern Indians. His offer was rejected by the governor and council of Massachusetts. "They only thanked me and refused my offer. Since that I have been told their reason was, they would not make use of the devill to destroy the devill; such a nicety and squeamishnesse as all the rest of the world will laugh at; as if it were a sin to employ those western Indians to Cutt of these eastern Indians. They own here at Boston that it has cost 'em £100,000 to manage the war with the eastern Indians during this last

¹³ MS. at Concord, No. 909.

war with ffrance, the losse of a 1000 families, as is Computed, and I am of opinion that for £3000 they may have a party of the Mohawk & other Indians to fall on the eastern Indians and Cut 'em off."¹⁴

Later letters of the Earl of Bellomont reveal the change in his mind and his contempt of such as had risen from the ranks. He prefers blue blood to red blood and can not view undisturbed a former wage-worker sitting in the seat of the mighty. A rail-splitter holding the highest office in America would have shocked him beyond power of recovery. In a letter to the Lords of Trade, April 23, 1700, he states that masts and ship timber were being wasted in New Hampshire; that Mr. William Partridge is wrongly exporting such timber to Portugal and making large gains thereby; that said "Partridge is not fit for the post of Lieut. Governor. He is a Millwright by trade, which is a sort of Carpenter, and to set a Carpenter to preserve woods is like setting a wolfe to keep sheep....In the next place he is of the Country, and the interest of England is neither in his head nor his heart, like the generality of the people in these plantations, and lastly he is a mean man and as such is unfit for government. I have nothing to object against his fair dealing between man and man. I know him not enough to judge of his morals, but what I quarrel at is his selfishnesse and interestedness in preferring a little sordid gain before the interest of England." His views as to the character of governors and inferior officers in the future for the plantations are thus expressed,— "I mean that they be men of undoubted probity and well born, secondly that they be not men of the Country, but Englishmen, thirdly that they be men of some fortune in England, to be a tye upon them to behave themselves honorably in their respective trusts. I should humbly advise the Governors and Lieut. Governors especially might be of quality, because 'tis a debasing of the King's authority to put those Employments into the hands of little men. I may be allowed to complain of this mischief, because I find the ill Consequence of it every day and am put to great trouble by that very means. What a disparagement was it to Government and the King's authority to advance a man that was a Carpenter (and wrought in this town for day-

¹⁴ Cf. Hist. of Sanbornton.

wages as other Carpenters did) to the post of Governor, to be stil'd Excellency, which title after all I believe belongs not to any of us, and whether it does or no I little care, a title is what I shall never value myself upon. But a mechanick or mean Governor like him I have hinted, or like Mr. Partridge, holds the reins of Government with too loose a hand. They cannot maintain the authority and respect that is necessary to their Character, because the people know their meannesse and despise 'em, and give me leave to say further that mean or Corrupt Governors (for I think both Characters alike hurtful) are a great allay (sic) to the people's affection toward the King, they conceiving an idea of their supreme Governor the King according to the qualifications of the subordinate Governor he sets over them."¹⁵ It is evident that he had contracted an antipathy for Mr. Partridge and this may account in part for his ordering that a ship belonging to Partridge and laden with pipe staves and timber should be detained. Subsequently by the king's order the ship was permitted to proceed on her voyage. It is evident, too, that the present of five hundred pounds to the Earl had not acted as a bribe. New Hampshire and Massachusetts never voted him a salary, while New York allowed him four hundred pounds annually. A little later Queen Anne ordered that the colonies fix the salaries of governors and that the latter should receive no presents. Accordingly the salary of Governor Joseph Dudley was fixed by New Hampshire at one hundred and sixty pounds, the first regular salary allowed to a governor in New Hampshire, and liberal enough, considering that Dudley got more from Massachusetts.

In further correspondence the good Earl of Bellomont advises that the exportation of all lumber from New Hampshire be prohibited and says that the people can as well subsist by fishing and that the interests of ten or a dozen private men ought not to be put into the scale against the interest of the king and kingdom. He questions, also, the validity of Mr. Mason's patent of New Hampshire, as no livery of seizin was ever given. In his opinion the settlers had no valid claim to their lands, and this "will let the Crown into a just Challenge of a good Quit rent for all their lands. I have been told the inhabitants

¹⁵ MS. at Concord, No. 963.

have many of them carved themselves great tracts of land. I do not find they derive from the Crown, nor from any body else that could make 'em a good title." The blooded aristocrat appears, concealed under suave and cultivated manners. He is neither for Allen nor for the freeholders of New Hampshire, but for the king, and he wishes to take away their lands and their trade in timber and force them to subsist by fishing, in order that the revenue of the king might be increased. He knew who had created him Earl of Bellomont. What right had a carpenter, like Partridge, to be trading in masts and timber? Do not all things belong to the king and his favorites?

The Earl of Bellomont, on testimony of Robert Armstrong the naval officer of New Hampshire, wrote to secretary Vernon, June 22, 1700, that Mr. Blaithwait, clerk in the Plantation Office in London, had bargained with Colonel Samuel Allen "for half his pretended interest in New Hampshire," mentioning Blaithwait's "treacherous sale of these plantations from England." Bellomont relates how Samuel Allen urged the marriage of his youngest daughter to Bellomont's youngest son, offering as dowry ten thousand pounds and half the revenues of the province of New Hampshire.¹⁵ Allen told him that his lands comprised one million seven hundred thousand acres, extending beyond Cape Ann to Salem, Massachusetts. All this was interpreted by Bellomont as an attempt at bribery, so that the Earl might favor the claims of Allen. In a letter to the Lords of Trade and Plantations Bellomont urges the appointment of an English attorney-general and of English judges, saying that "those pettifoggers who practice the law among them are rooks and pickpockets, having no skill in the law, but are assuming enough to put the people upon litigating their estates and titles, and then will they play Jack on both sides and take fees from both plaintiff and defendant, so that right or wrong the issue at law goes for him that has the better purse." Here is his opinion of such lawyers as John Pickering. The cry of the oppressed finds its echo in high places.¹⁶

About this time John Usher wrote to the lords of trade that "it is a principle too much entertained in these parts...

¹⁵ Ms. at Concord, No. 983b.

¹⁶ MS. at Concord, No. 988.

that acts of Parliament ought not to be laws of Plantations, unless [they] had representatives in parliament," a cry that became familiar in revolutionary times. Usher says the people are "not kingly but for commonwealth government, which pray *Libero Nos.*"¹⁷

In the absence of the Earl of Bellomont William Partridge was again the figure-head on the ship of state in New Hampshire, pointing the way he was turned. He was acceptable to the merchants and traders and took care to earn a penny for himself by a loose construction of the navigation laws. Randolph accused him of smuggling. He says himself that with an investment of £300 he shipped timber to Portugal and received £1600 therefor. His whole attention was given to money-making, and the province would have been as well cared for, if there had been no governor at all. He filled a comfortable chair and did nothing to displease. When governor Dudley arrived, he entertained him royally and brought in a bill of one hundred and forty-six pounds, which the council and assembly readily voted. John Hinckes was made chief justice of the superior court, with Peter Coffin, John Gerrish and John Plaisted for assistants. Colonel Richard Waldron was chief justice of the inferior court, and Henry Dow, Theodore Atkinson and John Woodman were his assistants.

It was the opinion of the Earl of Bellomont that the fort on Great Island should be rebuilt. Hence a Dutch engineer, Colonel Wolfgang William Romer, was employed to investigate, draw plans and make estimates of expense. It was ordered in the king's council that a new fort should be built where the old one stood, and also a strong tower on the point of Fryer's Island, a battery on Wood Island and another on Clark's Island. The people were amazed when Romer asked for over six thousand pounds. The assembly replied that they never had been able to raise one thousand pounds in a year by taxation, and that they were impoverished by the long Indian war, in which they had expended more blood and money than their estates were worth, and that they were engaged in legal controversy with a pretended proprietor. How, then, could they tax themselves so enormously to defend property that might be adjudged

¹⁷ Ibid, No. 1009.

to another? Besides, the building of such a fort concerned Massachusetts as much as themselves, her territory being just across the Pascataqua. So they implored the king for mercy and aid. They also complained that they were required to furnish a quota for the defence of New York in time of need, although New York had never lent them any assistance against the Indians, while their enemies had received supplies from the Dutch at Albany.

Samuel Allen renewed his suits in the courts with as little success as Mason had had. The decisions of New Hampshire juries were invariably for the defendant, in spite of all evidences and arguments. The courts would not even allow an appeal to the king or queen. This was contrary to fundamental law, and on petition of Allen an appeal was granted. This refusal of courts in the colonies to allow an appeal awakened suspicions and fears in England. The drift toward independence was felt. "It is a humor that prevails too much in properties and charter colonies, and the independency they thirst after is now so notorious," that the whole matter was laid before Parliament for some action. So wrote the lords of trade to Bellomont, but before the letter was received the Earl died at New York, on the fifth of May, 1701, much to the regret of many, among whom he had made himself popular.

The assembly tried to confirm grants of land already made and to ascertain the bounds of their townships, but acts to that effect were repealed by the king's court. One act of the assembly was "that no royal action or writ of ejectment for ye possession or title of any lands, nor any personal action or suit where the value sewed for exceed the som of twenty pounds" should be prosecuted in any court within the province for the space of two years. The reason assigned for this was the expenses incurred in defending their estates during the Indian wars. Meanwhile the persons in possession were to continue in their holdings and any trespassers were to pay the damages accruing thereby. This was meant to put a bar to the suits of Allen, and was as plain a violation of common law as an act of confiscation of private property. But Allen was very annoying, and the people were growing more and more determined to hold their possessions by every trick and device possible. It was an economic war, and all was considered fair in that struggle.

Allen was getting old and lacked ready money. Therefore he mortgaged one-half of the province to his son-in-law, John Usher, for fifteen hundred pounds. The test suit was against Colonel Richard Waldron. William Vaughan again was New Hampshire's agent at court, and the assembly voted the necessary funds in spite of their often pleaded poverty.

Meanwhile King William died and Queen Anne came to the throne. She appointed Joseph Dudley, formerly president of New England, as governor of Massachusetts and New Hampshire, April 1, 1702, and John Usher soon became lieutenant governor of New Hampshire once more, continuing in that office from 1703 to 1710. Dudley's commission was published at Portsmouth, July 13, 1702, and the assembly voted him a present of five hundred pounds and he accepted only two hundred and fifty pounds. Such gratuities were quite the custom in England and in the colonies. They were thought to win favor more surely than a fixed salary would do, the latter being not so dependent on the good will of the assembly. We have already seen how Queen Anne put an end to that sort of bribery. Its design was something like that of the more recent free railroad passes to legislators, "only for courtesy."

Governor Dudley soon learned the situation and, February 1, 1703, he wrote to the lords of trade that there had been some irregular proceedings. "The judges are ignorant and the jurors stubborn. It is a very hard thing to obtain their just service to the Crown, all which will be prevented, if your Lordships please to let me have a judge of the admiralty settled here, who by the acts of Parliament proceeds without a jury."

An historical sidelight is a letter of George Jaffrey, a Scotch merchant, of Portsmouth, to John Usher, August 20, 1702. He writes that the assembly had voted three hundred pounds to William Partridge; that Partridge had suspended him from the council through prejudice and malice and because of a personal quarrel; that almost all the council were for Partridge; that Partridge had illegally admitted a vessel laden with iron from Bilboa and had doubled the taxes of the province, while Partridge himself, although a man of considerable wealth was free of all taxes; that he exacted arbitrarily half of the naval officer's fees and made the most of other perquisites. On the other hand Partridge said he suspended Jaffrey from the council for irregu-

larities in trade. It should be remembered that one of the first acts of the council, in 1682, was to declare that the governor and council, as well as ministers and elders, should be free from taxation. Such sidelights reveal that graft is an old evil under a new name.

The test suit of Allen *versus* Waldron was won by the latter on appeal, because there was no proof that Captain John Mason had ever been put in possession of lands by delivery of turf and twig, yet the queen's council gave Allen permission to begin a new suit, with the proviso, "that if any doubt in law should arise, the jury should declare what titles each party did severally make out to the lands in question, and that the points in law should be referred to the court; or if any doubt should arise concerning the evidence, it should be specially stated in writing, that if either party should appeal to her majesty, she might be more fully informed, in order to a final determination." This looks fair and impartial, but it was a trap that the freeholders who composed the juries of New Hampshire did not fall into. They refused to render a special verdict, even when asked to do so by the court. They knew that they had no legal title to their estates that would hold in an English court of law. They were led to water, but they could not be made to drink. So they kept on refusing and delaying and petitioning and making excuses and sending agents and continuing to cultivate their farms and to cut as much timber as they wanted to use and sell.

Failing in the law courts Samuel Allen petitioned to the queen to be put in possession of the waste lands of the province. His petition was referred to the attorney-general, who reported that Allen had a valid claim to the waste lands, that all lands uninclosed and unoccupied were waste lands, and that Allen might take possession of such and prosecute any trespassers. Such a decision, if it could be enforced, would take away the common pasturage and the wood-lots of the farmers. New Hampshire's agent, William Vaughan, protested against Allen's claims and especially against the reappointment of John Usher as lieutenant governor, but without avail.

The lords of trade recommended to the Queen, April 23, 1703, that William Partridge be removed from office and that John Usher be appointed in his stead. They said that Part-

ridge had neglected his instructions and that being a trader he had an opportunity to monopolize trade. The next day the queen ordered that a draught for a commission for Usher be prepared. Vaughan represented that Usher had oppressed the people during his former administration; that he had sent to prison and to remote garrison duty some who opposed him; that he wasted gun powder in requiring salutes of nine, eleven and sometimes fifteen guns, to his own honor, to be fired when he went out of or came into the harbor; that he had turned competent men out of office and appointed mean men, who sometimes in drunkenness abused and fined the people; that he was egotistical and arbitrary in ordering the militia and trainbands to wait on him and accompany him. To all these objections of Vaughan a sufficient answer was sent by Usher to the board of trade, showing Vaughan's exaggerations and misrepresentations. He had never impressed any assemblymen, nor anybody else, except with the advice of militia officers. The pleas of both Vaughan and Usher, by counsel, were heard by the lords of trade and their decision was that Usher "does not appear to them to have been guilty of Vaughan's charges, but that the disturbances which happened in that time did in great measure proceed from the disorderly practice of some of those men who now oppose his being restored by your Majesty to that Government."¹⁸

John Usher obtained a new commission as lieutenant governor, July 26, 1703, but he was especially restricted from meddling "with the appointment of judges or juries, or otherwise in matters relating to the disputes between Allen and the inhabitants." On the appearance of Usher, William Partridge was dismissed at his own request, to attend to business affairs. He removed to Newbury, Massachusetts, and devoted the remainder of his life, as he had done before, to the accumulation of wealth in the mercantile profession. Usher was unable to get possession of the records of the province, held by the recorder in spite of an order from the home government to deliver them to the new secretary, Samuel Penhallow; nor could he get any salary voted to himself nor grant of a house to live in. The utmost they felt able to do was to allow him the use of two rooms in

¹⁸ MS. at Concord, No. 1178.

New Castle till the next meeting of the assembly and thirty-eight shillings for his trip to and from Boston, where he lived most of the time. At the same time governor Dudley directed him to live in New Castle during the time of the war, thinking that a lieutenant governor at least ought to live within the bounds of the province he was supposed to rule.

The council and assembly were willing to recognize Allen's claim to waste land, they meaning by that term land outside of the four original towns and Kingston. In response to a speech of governor Dudley they replied that the "province is at Least Sixty miles Long and twenty miles Wide Containing 1200 Square miles and that the inhabitants have only Claim to the Property of such land as is Contained within their Town Bounds which is less than one-third part of the Province and has been Possess't by them and their Ancestors for more than Sixty years, but have nothing to offer as a grievance if the Other two thirds be Adjudged to Mr. Allen, but shall be glad to See the Same Planted and Settled for the Better Securitye & Defence of the whole.... We humbly hope that her Majesty's Intention is not to take Off the Herbage Timber and Fuell from the inhabitants without which they Cannot Subsist, and less than the Bounds of their Present Towns, which were but four in Number untill of Late two were Divided, will not give Feed for their Cattle and Timber and Fuell Necessary, it being not usual in these Plantations to Fence much more of their Lands than Serves for Tillage & Leaving the Rest Unfenced for the Feed of their Cattle in Common."¹⁹

Allen had entered upon the waste land within the townships and had taken legal possession in the presence of witness by "cutting down trees, and by turf and twig, and by grazing his horses" at the following places, at Wiggin's brook in Exeter, near the great hill in Portsmouth, within half a mile of William Furber's house in what is now Newington, within half a mile of Mr. Seavey's house in New Castle, and near the Little Boar's Head in Hampton. Again he began his suit against Waldron and the jury found for the defendant and refused to bring in a special verdict. Governor Dudley tried to reach the court, but was hindered by reports of a raid by Indians and again by sick-

¹⁹ N. H. State Papers, Vol. XXIX, p. 163.

ness. So nothing was done to compel or persuade the juries to find a special verdict and show on what grounds they based their titles. Allen could do nothing but again appeal to the queen. He was now worn out with age and troubles and was willing to make a compromise with the freeholders. The terms proposed seemed to offer something better than continual litigation that might be pressed by Usher or the heirs of Allen, and an end of strife and uncertainty was much desired. Therefore a convention of delegates chosen by the freeholders of all the towns was called, to meet at Portsmouth May 1, 1705, each town to send two delegates. The convention came to the following resolutions:

That they had not on behalf of themselves nor any the Inhabitants of this Province, whom they represented, any Challenge or Claim to Any part of this Province extra the Bounds of the four Towns of Portsmouth, Hampton, Dover and Exeter with the Hamlets of Newcastle and Kingstown &c appertaining, which were all comprehended by a Line, on the western part of Dover and Kingstown already known and laid out, and should be forthwith revised, but that the said Samuel Allen Esqr his Heirs and Assigns might peaceably hold and enjoy the said great waste Containing 40 Miles in length and 20 Miles in Breadth or there abouts at the Heads of the four Towns aforesaid, if so should please her Majesty: and that the Inhabitants of this Province at all times be so far from giving Interruption to the Settlement thereof, that they declare on their behalf and by the power given them that they desire by all means, that the Waste might be planted and filled with Inhabitants, the Lands being very capable thereof, to whom they would all give their assistance and encouragement as far as they were able.

That in case Samuel Allen should for himself his Heirs Executors &c for ever quit clame unto the present Inhabitants, their Heirs and Assigns for ever of all that Tract of Land and every part and parcell thereof with all privileges &c Situate lying and being within the several Towns of this Province to the extents of the Bounds thereof, and also warrant and defend the same to the Inhabitants against all manner of persons whatsoever free from Mortgage Intailment and all Other Manner of Incumbrances; and that this agreement and the Lands therein Contained should be Accepted and confirmed by her Majesty, then and in such case they agree to lot and lay Out Unto Samuel Allen his Heirs and Assigns for ever five Hundred Acres of Land Out of the Townships of Portsmouth; And Newcastle; 1500 Acres Out of the Township of Dover, 1500 Acres out of the Township of Hampton and Kings Town, And 1500 Acres out of the Township of Exeter; All which Lands should be laid out to him, the said Samuel Allen Out of the Commonages of the respective Towns in such place or places not exceeding three places in a Town as should be most convenient to Mr. Allen and least detrimental to the Inhabitants of the Town—

And further they agree to pay Samuel Allen his Heirs or Assigns two thousand Pounds Current Money of New England, that is to say, one thousand Pounds within Twelve months after the receipt of her Majesty's Confirmation of this their Agreement and the Other thousand pounds within Twelve Months after the first payment.

And further that all Contracts and bargains formerly made between Mr. Mason and Mr. Allen with any the Inhabitants or Other her Majestys Subjects which were bonafide for Lands or other Privileges in the Possession of their Tenants in their own just Right, besides the Claim of Mr. Mason or Mr. Allen and no Other shall be accounted good & valid by these articles; But if any the Purchasers, Lessees or Tenants should refuse to pay their just part of what Should be agreed to be paid, referring to this Affair in equal proportion with the rest of the Inhabitants According to the Land they hold for their Share should be abated by Mr. Allen Out of the Two Thousand Pounds payable to him by this Agreement.

And further that Upon Mr. Allens Acceptance and Underwriting of these Articles they promised to give good Personal Security for the payments aforesaid.

And further that all Actions and suits in the Law depending or thereafter to be brought Concerning the premises Should cease determine and be void, Untill her Majestys pleasure Should be further known therein."

Mr. Allen died the next day and so the whole plan fell to the ground. It was a generous offer made to Mr. Allen. It was an acknowledgment of the justice of his claim, while it safeguarded the freeholders in their improved estates.

Mr. Allen died May 5, 1705, in his seventieth year, and was buried in the fort at New Castle.

After the death of Governor Allen, his son, Thomas Allen, renewed the suit against Waldron, having sold to Sir Charles Hobby, for seven hundred and fifty pounds, one-fourth of all the possessions in New England that Captain John Mason claimed. As this was a test case, all the evidences and documents for and against the claim of Mason and his heirs and assigns were brought together and arrayed by able lawyers. The counsel for Allen were James Meinzie and John Valentine; for Waldron, John Pickering and Charles Story. In this suit were first produced the famous Wheelwright deed and other papers in supporting it, now acknowledged to have been forgeries, and also it became publicly known that the province records had been mutilated by the removal of twenty-eight leaves. The arguments of the defendant were specious and technical, well suited to the prejudices of jurors from the towns especially concerned. Each juryman must have felt that it

was his own case under an assumed name, and that his decision must be such as to defend his own property. The jury found for Waldron and refused to render a special verdict. Appeal was made to the queen, who delayed judgment till the death of Thomas Allen, in 1715, put an end to the suit, with nothing finally determined.

During the period covered by this chapter the town of New Castle was incorporated. Its charter is dated May 30, 1693. It included within its limits Great Island, Little Harbor and Sandy Beach (now Rye), all taken from the town of Portsmouth after considerable opposition from the other portions of that town. The line ran from "a point of land on the south side of Sagamores Creek called Sampsons point, and from thence southwest by the outside of the fenced land of Sagamores Creek to the head of Aaron Moses field, to an old hemlock tree by the side of the Road way, and from thence upon the aforesaid Southwest point to the Road way, between Sandy Beach and Greenland, leaving Greenland about three miles to the Westwards, soe forwards upon the same point to Hampton bounds, and then east to the sea." A quit rent of one peppercorn, payable to the crown on the twenty-fifth day of October yearly forever, is specified in the charter. Two constables and three overseers of the poor were to be chosen annually. Every Wednesday was to be a Fair, or market day, when there should be free use of the ferry. Two years later the inhabitants of New Castle petitioned for the annexation of a large part of the commons of Hampton, which bordered on their southern limit, but this was opposed by the people of Hampton.

On the sixth of August, 1694, the town of Kingston was incorporated, taken from the western part of Hampton, on petition of James Prescott Senior, Ebenezer Webster and others. It comprised the present towns of East Kingston, Danville (formerly Hawke), and a part of Sandown. The first settlers came from Hampton, Ipswich, Newbury and Salisbury; among them were Moses Elkins, Jonathan Sanborn, Ichabod Robie, Thomas Philbrick, Jabez Coleman, and Ebenezer Webster, ancestor of Daniel Webster. The Rev. Benjamin Choate was the first settled minister.

Chapter X

QUEEN ANNE'S WAR

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Samuel Penhallow—French Mission at Norridgewock—Conference of Dudley with Sachems at Casco—Indians Suspicious and Untrustworthy—Indian Tom Attacks Village in Hampton—Scouting Parties and Sentinels—Nathaniel Meader Killed at Oyster River—Captivity of Tamsen Ham—Burning of Norridgewock—Families of John Drew and John Wheeler Killed at Oyster River Point—Attack on Dunstable—Samuel Blake Killed at Hampton—The Rickers Slain at Cochecho—Four Mowers Killed at Exeter—Nicholas Pearl of Dover Slain in His Cave—Bounty Offered for Killing and Capturing Indians—The Philosophic Squaw—New Hampshire Men at Port Royal—Girls Captured at Bunker's Garrison—Capt. Samuel Chesley and Others Slain at Oyster River—Inhabitants of Kingston Flee—Victims at Exeter and Death of Col. Winthrop Hilton—Children of Richard Dolloff Taken to Canada—More Killed at Cochecho—Treaty of Utrecht followed by Treaty with the Indians at Portsmouth.

IT is the aim of this chapter to give as full an account as can be gathered of the depredations of the French and Indians in New Hampshire during the ten years of guerrilla warfare that began in 1703. Fortunately a valuable history of this period was written, as he says, with tearful eyes, by the Hon. Samuel Penhallow of Portsmouth, who was a man of literary culture as well as prominent in the government of the province. Educated in England he came to New England in 1686, with the purpose of entering the christian ministry, and propositions were made him to become a missionary among the Indians. He attributes the punishments received by the settlers of Maine and New Hampshire to the fact that they had not cared as they should have done for the spiritual welfare of the natives. Marrying a daughter of President Cutt, he attained to wealth and position easily. For some years he was a member of the governor's council, and he also served as recorder and treasurer of the province, as captain in the militia and as justice and chief justice of the superior court. He died at Portsmouth, December 2, 1726, aged sixty-one years and five months. The events of this chapter are substantially as narrated by him, the account being

supplemented by statements from the Rev. John Pike's Journal and by extracts from public records.

As in previous Indian raids the cause of these ten years of suffering was mainly across the Atlantic, in the war between England and France. All the territory east of the Kennebec river was claimed by France. This took in the old English settlement at Pemaquid and other smaller places along the coast and rivers of Maine. The French established a mission among the Indians at Norridgewock, on the upper Kennebec, a mission that had political and military as well as religious ends in view. It was a rallying place for hostile forces and thither were led many captives.

Governor Dudley had orders to rebuild the fort at Pemaquid and so hold the eastern country, but he was unable to raise the money necessary for such purpose. On account of insults and threats offered by the Indians, instigated by French agents, the governor took with him a number of gentlemen from both Massachusetts and New Hampshire and met the sachems of several tribes at Casco, on the twentieth of June, 1702. The tribes represented were those of Norridgewock, Penobscot, Pequaket, Penacook and Ameriscoggin. The Indians numbered two hundred and fifty, in sixty-five canoes, well armed and painted in suspicious colors. Their orator, Captain Simmo, assured the governor that the Indians "aimed at nothing more than peace; and that as high as the sun was above the earth, so far distant should their designs be of making the least breach between each other." A belt of wampum was given, and both parties added more stones to the piles, called the Two Brothers, which had been heaped up at a former treaty. Subsequently it was discovered that the Indians at that time intended to seize the governor and his attendants, and they failed to accomplish their design only because of the delay of two hundred French and Indians to arrive at the expected time. In the salute fired the Indians were careful to have the whitemen discharge their guns first, remembering perhaps the fact that the Indians did this in the sham fight at Dover, some years before, with results disastrous to themselves. While the whitemen fired guns loaded only with powder, the Indians were cautious enough to ram home leaden bullets. The affair passed quietly, but within six weeks all the eastern country was ablaze with burning

houses and garrisons. A body of five hundred French and Indians divided into several parties and fell upon Casco and Wells, August tenth. Every house between those places was attacked, and the usual slaughter followed. Many were killed, and one hundred and thirty persons were captured.

On the seventeenth of August, 1703, Captain Tom with thirty Indians attacked a small village in the southern part of Hampton, near the Salisbury line. Two houses were plundered, and five persons were killed. Widow Mussey, a noted speaker among the Quakers, was dragged into the bushes of a swamp where the Indians were concealed, and there her brains were beaten out with a tomahawk. Thomas Lancaster was killed on his way home from mill. They beat the head of Jonathan Green with the butts of their guns and mangled him in a horrible manner. Nicholas Bond was killed and scalped in his own house, and a little boy of William Hinckley was seized as he was climbing a fence and his brains were dashed out against a plow.

The province was thoroughly alarmed. Every fourth man who was fit for service volunteered. Scouting parties, under Major Winthrop Hilton and Captain John Gilman of Exeter and Captain Samuel Chesley and Captain James Davis of Oyster River scoured the woods in vain to find the sculking enemy. Sentinels were posted to guard men working in the fields. The garrisons were filled with women and children. There was continual fear of a massacre in some unexpected place. A public fast was ordered to pray "for the preservation of this Province and the good success of the forces now gone against the Indian Rebels."

On the twenty-fifth of April 1704, Nathaniel Meader, who lived at the mouth of Oyster River, on the north side, was shot "not far from the place where Nicholas Follet formerly lived." This was on the south side of the river. Meader's dead body was mangled in a barbarous manner. The next day Edward Taylor of Exeter was slain near Lamprey river, and his wife and son were carried to Canada. She was afterward redeemed. Thence the Indians went to Cochecho, hoping to get Colonel Richard Waldron, son of the Major Waldern who was slain in 1689. His servant maid, Tamsen Meserve, was surprised by four Indians, at a spring in the colonel's pasture and, having examined her as to her master, the state of the garrison and other affairs,

knocked her on the head and left her for dead. She recovered, however, and married Joseph Ham the same year. There is some doubt about this particular narrative. The Rev. John Pike affirms it, but Mr. Belknap says the girl invented the story to palliate her too long absence. It may be that tradition has confused Tamsen Meserve with her daughter Tamsen Ham, who certainly was captured by Indians and remained in captivity several years, returning to marry Thomas Drew and after his death Thomas Spinney of Kittery. She died in 1799, aged 90. Both Penhallow and Belknap say that William Tasker was wounded about this time, but he had died in 1697. It was Samuel Tasker, his son, who was slain by Indians June 1, 1704, as narrated by the Rev. John Pike. Mark Giles senior of Cochecho and his son John were slain by eight or nine Indians, as they were passing a corner of their field. This was on the eleventh of August. On the nineteenth of the same month Joseph Pitman of Oyster River was slain as he was guarding some mowers, not far from the old meeting house, at the oyster beds.

During the year 1705 New Hampshire was quite free from depredations, the Indians giving special attention to Kittery. Twenty friendly Indians from Massachusetts were sent to scout on the borders, and these with two hundred and fifty men, under command of Colonel Winthrop Hilton of Exeter went to Norridgewock on snow shoes, but found no Indians there. Their deserted wigwams and chapel were burned, notwithstanding the Indians had spared the church at Oyster River, in the massacre of 1694. Pike records that Nathaniel Tebbetts of Oyster River was carried away by the Indians about sun-set of November 4, 1705, it being a sabbath. Ten men were employed as scouts continually on the frontier, and a nightly patrol was established along the shore from Hampton to Rendezvous Point, now Odiorne's Point, to prevent a surprisal by sea. The winter passed without further molestation, the Indians not being able to use snow shoes as the soldiers and scouts of the province did.

The spring showed that hostile plans had not been abandoned, and Oyster River again suffered. On the twenty-seventh of April, 1706, the Indians stole into the southern part of the Point district, which fronts easterly on Little Bay, and attacked the house of John Drew, killing eight and wounding two. No

man was in the garrison near by, and the women defended it, firing so briskly that the enemy were deceived and went away. The women put on hats and loosened their hair so as to appear as men. John Wheeler met the Indians and supposing them to be friendly fell into their hands and was slain with his wife and two children. Four other children are said to have been saved by taking refuge in a cave by the bank of Little Bay.

A party of two hundred and seventy Indians, concerning whom warning had been given by Colonel Schuyler, attacked Dunstable in July, 1706. The Weld garrison, so called, about half a mile from the present state line, was occupied by twenty troopers. They were surprised and half of their number were slain. Six inhabitants of the town also were killed, viz., Nathaniel Blanchard and his wife, Lydia, their daughter, Susan Blanchard, Mrs. Hannah Blanchard, the wife of John Cumings and Rachel Galusha. The town records say that they died the third day of July. A bounty of forty pounds had been offered for Indian scalps, and Captain John Tyng of Dunstable went in winter to the Indian headquarters and got five, receiving therefor two hundred pounds. From Dunstable the Indians went to Amesbury and killed eight persons, and thence to Kingston, where they killed some cattle, and slew Joseph English, a friendly Indian, and Captain Butterfield, taking Mrs. Butterfield prisoner. Samuel Blake of Hampton was shot on the fourth sabbath of June. On the fourth day of June Marturin Ricker of Cochecho was killed in his field and a little son was taken. At the same time George Ricker was killed while running up the lane near the garrison. On the twenty-third of July about twenty Indians attacked ten men in Exeter, while they were mowing. Four were killed, viz., Richard Mattoon and his son, Hubertus, Robert Barber and Samuel Pease. John Taylor was sorely wounded but recovered. Edward Hall, Samuel Mighill and a mulatto were captured, but two of them escaped, wandering three weeks in the woods and subsisting on roots and rinds of trees. On the first of August Sergeant Benjamin Fifield of Hampton was barbarously killed in his pasture by an ambush of seven or eight Indians, as he was riding horseback. A lad, his kinsman, was carried away. The next day Nicholas Pearl of Dover was slain in a cave, where he had dwelt three years and would not be persuaded to seek a place

of safety. Probate records show that he came from Ipswich and left a son, John Pearl, born there July 17, 1692. Thus the sculking foe struck here and there, usually in the night, or toward morning, killed the surprised and defenceless and hid out of sight. Therefore few Indians comparatively were killed. It was estimated that every Indian killed cost the country a thousand pounds.

In 1707 we read that Colonel Winthrop Hilton had learned to imitate the military tactics of the enemy. He intended to lead an expedition of over two hundred men to Norridgewock, but got only as far as Black Point, in Scarborough. It was in January, and the snows were deep. Here he struck an Indian trail and following it up killed four and took an old squaw, who conducted them to a party of eighteen, asleep on a neck of land. The Indians were surprised at break of day, and seventeen of the number were slain, and one was captured. This is Penhallow's account. Pike says that this event occurred on the seventh of February, that two men and a squaw were killed, while a young squaw and two children were taken. Penhallow records that on the very morning that Hilton slew the seventeen Indians "it was publicly talked of at Portsmouth in every article, and with little or no variation, although ninety miles away." Some would explain this as a plain case of telepathy.

It was during this year that a wounded squaw was brought in to Portsmouth and received medical aid. The bill for medicines, provisions and nursing was seventy-one pounds, fifteen shillings and four pence, and the bill was allowed by the General Assembly, poor as the province then was. There is another record, not so honorable to New Hampshire, dated the twelfth of May, 1711, when the Assembly voted, "That for Indian man slain in the Province sixty pounds, for every woman thirty pounds, and for every minor or Papoose fifteen pounds be paid out of the treasury." This must mean that the bounty was offered for the *capture* of squaws and papooses, and not for their killing. New Hampshire never offered a reward for the murder of women and children. Penhallow tells us that Samuel Butterfield killed a noted sagamore and that he was brought to the Indian's widow to receive his sentence, thinking that the penalty would be something terrible. The philosophic squaw said, "If by killing him you can bring my husband to life again, I

beg you to study what death you please; but if not, let him be my servant." Let the squaw teach us how to treat criminals.¹

In 1707 some aspersions were cast upon the character of governor Joseph Dudley, because he had not allowed Major Church to attempt the capture of Port Royal, in Nova Scotia, it being alleged that Dudley was interested in a clandestine trade with the French there. A petition asking for his removal was addressed to the queen, and upon its being read before the general assembly of New Hampshire, both houses unanimously requested the queen to continue Gov. Dudley in his office, expressing their entire satisfaction in the way he had administered the affairs of the province and defended it against the enemy. Six ministers of the province also addressed to the queen a protest against the governor's removal from office, calling him "an example of religion, virtue and moderation to all good men." This may have stirred up the governor to attempt the capture of Port Royal without aid from England, and an expedition was sent against it, commanded by Colonel March. Colonel Winthrop Hilton of Exeter commanded one regiment, and Captain Samuel Chesley of Oyster River led a company of men from Hampton. The expedition accomplished nothing more than the killing of some cattle. There was a lack of harmony among the officers, and the invaders departed in a disorderly manner. Chesley affirmed, when called to an account by the Council at Portsmouth that "general orders were given at Port Royal for every person to make the best of his way home."² Accordingly his men scattered on their arrival at Portsmouth, to be reassembled at beat of drum. Governor Dudley ordered the troops back to Port Royal, a pardon being offered to those who voluntarily returned. On the second landing near Port Royal some shirmish occurred between the troops and Indians in ambush, but the little army grew sick and discouraged, and after a month of inactivity came home again, having lost sixteen killed and as many wounded.

Meanwhile the frontiers of New Hampshire were harassed as before. On the twenty-second of May, 1707, two young girls were captured near Bunker's garrison at Oyster River and

¹ See Penhallow in N. H. Hist. Coll., Vol. I, p. 53, top.

² N. H. Prov. Papers, Vol. II, p. 505.

carried to Canada, where they were baptized. The record there shows that one of the girls was Marie Anne, daughter of Thomas and Mary (Bunker) Drew; the other was Elizabeth, daughter of Nathaniel and Deliverance (Clark) Lomax. On the eighth of July John Bunker and Ichabod Rawlins of Oyster River were slain by a party of twenty or thirty Indians, as they were driving a cart from Zachariah Field's garrison to Bunker's for a loom, and fifteen or more cattle belonging to Stephen Jones were slaughtered. Again the foe crept into the settlement at Oyster River and on the seventeenth of September Captain Samuel Chesley, only just returned from Port Royal, his brother James Chesley and six other stout young men were slain by a party of French Mohawks while they were cutting and hauling timber, not far from Captain Chesley's house. At the first fire of the hidden Indians seven were killed. Philip Chesley and three more escaped. The Indian that killed James Chesley was at once shot by Robert Thompson, who afterward received five pounds for his scalp, by order of the governor. Stephen Gilman and his brother, Jacob, were ambushed and shot at, as they were riding from Exeter to Kingston. The former had his horse shot under him and narrowly escaped being scalped. On the seventeenth of September Henry Elkins was killed at Kingston. That place was much alarmed, and eight of its inhabitants who fled for safety were ordered back to help defend the town.

The Indians again appeared at Oyster River on the eighteenth of September, 1708, when three of them assaulted David Kincaid at his house, not far from Woodman's garrison, firing three shots at him and his lad. The last depredation committed at this place during this war was on the thirtieth of June, 1709, when Bartholomew Stevenson, Jr., was slain by an ambuscade near Woodman's garrison.

On the eighth of May, 1709, William Moody, Samuel Stevens and two sons of Jeremiah Gilman were captured at Pickpocket mill in Exeter. Moody escaped and was retaken, and having been bound to a stake was roasted alive. Ephraim Folsom was slain June eleventh, between Exeter and Hilton's garrison. The following year, on the twenty-second of July Colonel Winthrop Hilton of Exeter was surprised while peeling bark fourteen miles from his home. Hilton was killed and two more, and two were taken. The rest made no opposition, their

guns being wet, but fled in terror. Hilton was scalped, his brains was split by hatchets, and a lance was found that pierced his heart. One hundred men were quickly mustered and marched in pursuit of the Indians, but as usual they found none. Colonel Hilton was thirty-nine years of age, a skillful military officer, much esteemed for his noble character. His friends greatly lamented his death, while the Indian foe rejoiced that so mighty a white sachem had fallen. The same day that he fell the Indians appeared in the open road at Exeter and took four children at their play. These may have been children of Richard Dolloff, to whom the council and assembly granted ten pounds towards the ransom of three children in Canada. He paid nearly twenty-three pounds for the ransom of one of his children, besides expenses of journey to Canada. In a petition he expressed his intention to go again for the other two children. He married in 1700, Catherine, daughter of John Bean of Exeter.³ They also took John Wedgwood and killed John Magoon, who for three days before was in melancholy apprehension arising from a dream of being murdered. That same day also a band of Indians that had pretended friendship for the inhabitants of Kingston ambushed a road in that town and killed Samuel Winslow and Samuel Huntoon, carrying into captivity Philip Huntoon and Jacob Gilman, who afterward purchased their liberty by building a saw-mill for the governor of Canada. The same year an expedition was sent against Port Royal, in which one hundred New Hampshire men were commanded by Colonel Shadrach Walton, who long had command of the fort at New Castle. The expedition was successful, and the name of the place was changed to Annapolis, in honor of Queen Anne.

Jacob Garland of Cochecho was slain toward the end of the season as he was returning from public worship. In the spring of 1711 Thomas Downs, John Church, son of the John Church who was killed in 1696, and three more were slain at Cochecho, by an ambuscade that waylaid them returning from meeting. John Horn was wounded, and Humphrey Foss was taken, but rescued by the bravery of Lieutenant Heard. In the same year an expedition against Quebec met with disastrous failure. The fleet sailed from Boston on the 30th of July. It consisted of

³ N. H. Prov. Papers, p. 585.

fifteen ships of war and forty transports, and carried over five thousand troops, most of them from England. Colonel Shadrack Walton of Portsmouth commanded one regiment, and New Hampshire's quota was one hundred men, spared with difficulty from the forces needed to defend the frontier. All went well till the fleet arrived some leagues within the Saint Lawrence river. On the night of the twenty-third of August, the weather being thick and dark, nine transports were wrecked on the north shore, and about six hundred men perished, only one of them being from New England. The expedition was abandoned and the land forces that had been sent against Montreal were recalled. The fleet returned to England, and the New England troops came home, unjustly blamed for their failure. The fog and east wind were their worst foe. If little events may be compared with great, this disaster may be likened to the overthrow of Pharaoh's host by a strong east wind, or to the wreck of the Spanish Armada.

In the year 1712 the Indians renewed their raids on the western frontier of New Hampshire, killing Mr. Cunningham on the road from Mr. Hilton's to Exeter on the sixteenth of April, shooting Jeremiah Crommett at Oyster River, near to Lamprey River, on which stream a mill was burned with many boards. Next day Ensign Tuttle was slain at Tole-end, in Dover, and a son of Lieutenant Heard was wounded as he stood sentinel. Soon after, at Kingston, Stephen Gilman was wounded, captured and barbarously murdered, and Ebenezer Stevens was wounded. Two children belonging to John Waldron were taken on a sabbath in July, at Cochecho, from Heard's garrison, "and not having time to scalp them, they cut off both their heads and carried them away. There was not a man at that time at home; however, one Esther Jones supplied the place of several, for she courageously advanced the watch box, crying aloud, 'here they are, come on, come on'; which so terrified them as to make them draw off, without doing any further mischief." Captain James Davis of Oyster River kept his scouts moving on the frontier, from Salmon Falls to Kingston and so further harm was prevented. The province of Maine suffered somewhat after this, but in the autumn arrived the news of the treaty of Utrecht, and on the twenty-ninth of August the suspension of arms was proclaimed at Portsmouth. This was followed the next year

by a formal treaty with the eastern Indians, through their sachems convened at Portsmouth, July eleventh. The Indians acknowledged that they had wickedly broken former treaties and solemnly promised to do so no more, and that no Indians should come nigh any settlements west of the Saco river. All difficulties were to be settled in courts of justice, held by the English of course, where justice poised her balances in the hand of the whiteman. Thus ended another war in New England which never would have been fought except for the rivalries of England and France.

Chapter XI

ADMINISTRATION OF GOVERNOR SHUTE AND HIS LIEUTENANTS, VAUGHAN AND WENTWORTH

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Death of Usher—Governor Burges—Death of Dudley—Appointment of Governor Shute—Lieutenant Governor George Vaughan—Concentration of Power at Portsmouth—New Councilors—Bills of Credit—Arrogance of George Vaughan Rebuked—Appointment of John Wentworth as Lieutenant Governor—Character of Wentworth—Pine Trees—Hemp and Flax—Public Punishments of Criminals—The Boundary Line Unsettled—Settlement of Londonderry—Incorporation of Chester, Nottingham, Barrington and Rochester—Grant to the Children of Samuel Allen—Dignity of the Legislators—Oppositions between the Two Houses—Valuation of the Province—Triennial Act.

THE accession of George I. to the throne in the year 1715 occasioned a change of officers in the provinces. Governor Joseph Dudley had been very popular, and the assembly of New Hampshire petitioned that he be continued in office. His popularity was due in large part to the fact that he favored the claims of the freeholders against those of Allen. On the other hand Lieutenant Governor Usher, although he had done more for the province than Governor Dudley and had expended a considerable sum from his own property in the time of the wars for the defence of the province, was unpopular because of his austere and perhaps too dignified manner and because he was interested in sustaining the claims of Allen. Usher seems to have done his whole duty to the king and to the province. He visited it often and remained as long as he could be of any service. In spite of the unwillingness of council and assembly to vote him any proper compensation for his services he continued to uphold the honor of his office and to render service for parsimonious neglect. A few pounds was all that was ever voted to him, to pay the bare expenses of his lodging in New Castle and his traveling expenses to and from Boston. Once he complained to the council that "his negro servants were much better accommodated in his house than the queen's governor was in the queen's fort." On his dismissal from office he re-

tired to his home at Medford, Massachusetts, where he died September 5, 1726, in the seventy-eighth year of his age.

Governor Dudley was succeeded by Colonel Eliseus Burges as governor of Massachusetts and New Hampshire, and George Vaughan, son of William Vaughan, the well known councilor, was appointed lieutenant governor. George Vaughan had acted as agent of the province in London, and for his services the province paid him four hundred pounds in the year 1709.¹ He was in London at the time of his appointment. His aged father and the people of Portsmouth were well pleased at his appointment to this high office, and they expected more from a resident lieutenant governor of their own number than from an absentee stranger. Indeed it was feared that Burges would not be acceptable, and so Sir William Ashurst, Jeremy Dummer, agent for Massachusetts, and Jonathan Belcher offered to him one thousand pounds sterling on condition of resigning his commission, and he was wise enough to accept the money advanced by Dummer and Belcher. How they were reimbursed does not appear. In the place of Burges Colonel Samuel Shute was made governor of both provinces, and his commission was published October 17, 1716. Governor Dudley retired to Roxbury, where he died in 1720, in the seventy-third year of his age.

Colonel Shute was a native of London and had served in the army in Flanders, being wounded in one engagement. He continued in the office of governor a little more than six years, and spent much of this time in London. In his absence during the first year George Vaughan acted as governor of New Hampshire, and his administration is said to have given general satisfaction. Formerly other towns than Portsmouth had been represented in the council, but now six councilors, all from that town, were appointed. This caused a remonstrance on the part of the assembly, addressed to the governor with the request that it be forwarded to the king. It recounts that formerly the councilors resided proportionally in the several towns of the province and that this practice had continued more or less till the present time; that now some of the experienced, just and good men had been laid aside and that all the present councilors resided within two miles of each other, which had occasioned great

¹ N. H. Prov. Papers, Vol. III, p. 375.

differences and animosities; that the new council consisted principally of merchants and traders, who obstructed a revenue to the crown by imposts, so that unequal burdens rested upon farmers and laborers, many of whom had hazarded their lives and been reduced to desolation and poverty by the late Indian wars; that the traders now in no wise assisted the lightening of the land tax; that the courts are now all held in Portsmouth, whereas they were formerly held in all the four towns; and that the judges are mostly of Portsmouth. They pray that the courts and judges may be as formerly, and that each town may be fairly represented in courts and in council. The reasonableness of this request is apparent, if anything like a representative government was to be maintained; and it is noticeable that about this time we find the assembly alluded to in the records as the House of Representatives, and the council and assembly are mentioned often as the upper and the lower houses, in imitation probably of the language of parliament.²

We notice the disposition and tendency to concentrate power into one city and into the hands of a few wealthy men, a tendency which Nathaniel Weare of Hampton had discerned some years before. The farmers of New Hampshire preferred to govern themselves rather than to be governed from abroad or even by a favored few of their own province. They wanted representation in both branches of the government, and they wanted the merchants and men of wealth in Portsmouth to pay their fair share of the taxes. Of course a few men who had influence in London practically dictated who the new councilors should be, and when a majority of the council was made up of the wealthy merchants of Portsmouth, no duty on imposts could be expected. Laws have been called regulations which rich men have made for their own convenience, and this holds true in respect to property laws in all ages. Large interests have usually exerted undue influence over legislatures and even courts. This is especially true under a moanrchy.

The members of the council at this time were Mark Hunking, John Wentworth, Richard Gerrish, Theodore Atkinson, George Jaffrey, Shadrach Walton, Richard Wibird, Thomas Westbrook, and Samuel Penhallow, men closely related by family ties.

² N. H. Prov. Papers, Vol. III, p. 675.

Governor Shute wisely refrained from a direct reply to the petition of the House of Representatives and sent it to the council. Their reply he embodied in his own. The council affected to feel highly affronted by the representations of the house, as calculated to stir up strife and animosities. They said that His Majesty had the right to appoint whom he would as councilors, no matter where in the province they might live. All the councilors happened to be chosen from Portsmouth, because "they were gentlemen of the best quality and greatest ability to serve the government in that station." Moreover one had been chosen from Hampton, but he refused to serve. The traders of Portsmouth were willing to pay taxes on importations, if the farmers **would** pay taxes on exports, which shows a certain sort of worldly wisdom or shrewdness, for the taxes on importations are ultimately paid by the users and consumers, not by the merchants and traders, while a tax on exports usually falls on the producers. They thought it fitting that the courts and judges should be of Portsmouth, since that was the metropolis of the province, and its wealth and population were increasing. The whole reply of the council is a plea for themselves as the superiors of those dwelling in other towns. They now had the reins of authority and proposed to keep them. None of the councilors were taxed, and this may be one reason why as many of the wealthy merchants of Portsmouth as possible wanted to be members of the council.³

About this time the council and house of representatives agreed to issue ten thousand pounds of paper money, on loan, for twenty-three years, at five per cent, on land security. The council afterward sought to raise the amount to fifteen thousand pounds, to which the lower house objected. The latter heeded not the call of the governor to a joint meeting for consultation and therefore he dissolved the assembly. The new assembly consented to the issuing of fifteen thousand pounds but the term was made eleven years and the rate of interest was ten per cent. Why the rate of interest was doubled does not appear. Perhaps it was found that on the offered security loans could not be obtained at less expense.

George Vaughan claimed that more power belonged to the

³ N. H. Prov. Papers, Vol. III pp. 677-679.

office of lieutenant governor than others were willing to allow. Governor Shute was in New Hampshire only a few weeks in the year. During the rest of the time Vaughan asserted that he himself had all the powers of governor of the province and refused even to obey the orders of Governor Shute, sent to him from Boston. The council could not support the pretensions of their townsman. Especially Samuel Penhallow by his opposition incurred the ire of the lieutenant governor. This led to the suspension of Penhallow and the dissolution of the assembly. In vigorous and petulant language Vaughan thus addressed himself to the council:

As I am honored of the King, I will do my utmost to support it, and not lett his Commission be vilified at the rate some will have it; To have a due deference paid to it is what the King requires and expects, especially from his Ministers; and to have them studious of lessening the authority therein granted is an aggravated fault, and I cannot but wonder at the arrogancy and pride of those who do not consider I am a superiour match, as being armed with power from my prince, who doth execution at the utterance of a word; and I hope none will be so sturdy as to dispute it. If I soar too high, the fall won't crush them: if they run too fast, their repentance may be timely. What I have to say to you, Mr. Penhallow, is in gross, & is, That your busynes for a long time has been to sow discord in the Commonwealth, and your endeavors to propagate confusion and diference in each town within the Government, which your avowed principles oblige you to sodder as much as in you lies, the affections of majestrates & people thereby to divert all things which naturally produce dissention, tumults and feuds: the p'ticulars I have and shall transmitt to my principal Lord, the King, in whose name & by virtue of whose power I suspend you, Samuel Penhallow, from sitting, voting, or assisting at the Council board, till his Majesty's pleasure shall be known.⁴

A few days later Governor Shute appeared on the scene and undid the work of Vaughan. He restored the assembly and suspended Vaughan as lieutenant governor. In a speech to the assembly he showed the unreasonableness of Vaughan's pretensions and the discords that would ensue therefrom. The council sustained the governor in restoring Penhallow to his seat as a member thereof. All the members of the house sided with Governor Shute, except those from Hampton, who refused to sit as representatives until newly and duly elected. The difference was one of interpretation of the king's commission to the

⁴ N. H. Prov. Papers, Vol. III, p. 703.

lieutenant governor, since one clause therein seemed to conflict with another clause. He was instructed "to observe such orders as he should from time to time receive from the king or the governor in chief," and on the other hand "when the governor is out of the province, the lieutenant-governor is empowered to execute the king's commission." Vaughan had refused to execute orders received from Governor Shute by letter from Boston, on the ground that the governor was then out of the province and consequently had then no authority. The fallacy of such reasoning was exposed. When the affair was brought to the attention of Sir William Ashurst, he readily brought it about, that Vaughan was deposed from office and John Wentworth was appointed in his place, whose commission as lieutenant-governor was published December 7, 1717.

John Wentworth, who for the next thirteen years was the leading man in the counsels and activities of the province, was son of Samuel and Mary (Benning) Wentworth, grandson of Elder William Wentworth, one of the first settlers of Exeter and Dover. He was born at Portsmouth, January 16, 1670, and first gave prominence to the Wentworth name in New Hampshire, which was further increased by worthy descendants. In early life he was a sea captain and engaged in mercantile pursuits. He was appointed one of the councilors in 1711 and served as justice of the court of common pleas from 1713 to 1718. After the departure of Governor Shute to London in 1723 he had till 1728 full authority as acting governor and commander in chief of New Hampshire, and he served the province well and satisfactorily. Especially he interested himself in the defense of the province against the Indians, establishing and visiting frequently sentinel posts on the frontier. His services to Londonderry were acknowledged by that town in the repeated voting of presents, for then governors had no stated salary and gratuities from council or towns was the proper way of acknowledging services rendered. A contemporary friend, quoted by Belknap, thus wrote concerning Wentworth's character: "He was a gentleman of good natural abilities, much improved by conversation; remarkably civil and kind to strangers; respectful to the ministers of the gospel; a lover of good men of all denominations; compassionate and bountiful to the poor; courteous and affable to all; having a constant regard to duties of divine worship, in

private and public, and paying due deference to the sacred institutions of Christ."

The chief article of export and the natural source of the wealth of the province was lumber. Especially its white pines, as well as those of the neighboring province of Maine, were valued as masts for the royal navy, and at an early date such pines, twenty-four inches in diameter, were marked with the sign of a broad arrow by a forester appointed by the king for that purpose. The penalty was heavy for felling such a tree without consent of the forester, a custom to which this entire country needs to return, if lands as well as forests are to be conserved. Some pines were then five feet in diameter, indicating a growth of two hundred and fifty years. Under every administration complaints were made of the waste of trees and counter complaints of unnecessary interference of the forester. It was found that natives of the province, who were familiar with the forests, took better care of them than officers sent over from England. It was better to cut into lumber trees that were more than two feet in diameter than to let them rot on the stump. So the settlers argued and the surveyors were often tricked and disobeyed. The noble pines have well nigh disappeared, and lumbermen now can scarcely wait forty years, not to say two hundred and fifty, for the growth of coveted lumber.

Pitch-pine trees, unfit for masts, were utilized for the production of tar and turpentine. To prevent a monopoly of this trade on the part of a company of merchants many thousand trees were destroyed by unknown persons. The government fixed a price of twenty shillings for a barrel of tar, and this was received in place of taxes. This led the owners to tax and over-tax the trees by too many incisions. Thus the profitable trees were gradually destroyed, and the industry came to an end.

Effort was made to foster the growth of hemp, and the price fixed by government was one shilling per pound. The industry did not take wide and firm root. The people of Londonderry, after the settlement of that town, cultivated the growth of flax, and their manufactured linens were famed for their excellence. Indeed the flax-wheel and the larger spinning wheel were to be found in almost every household till within recent years. The farmers raised about all they had to eat and wear. They sold some live-stock and ship-timber and thus were

enabled to buy a few household utensils, as well as some West India rum and molasses. Feather-beds, comforters and sheets were all home-made, and some rough chairs and tables made up the furniture of the homes of the farmers. In the houses of the wealthy merchants of Portsmouth might occasionally be found a Chippendale or a Heppelwhite from London, now so highly prized as antiques.

Belknap says that "great quantities of iron ore were found in many places." Things are great or small by comparison. Such immense mines of iron ore have been found elsewhere, that the old sources of supply in New England are now a negligible quantity. Then bog iron was searched for and carefully stored. There was a penalty of ten pounds per ton for transporting it out of the province. It was proposed to erect a foundry on Lamprey river, and to encourage this industry the "Two-Mile Streak" was granted above the headline of Dover. This grant was based upon a promise made by the general court of Massachusetts to Portsmouth in the year 1672, to grant land for a village wherever it might be desired. This strip of land two miles wide and six long afterward formed a part of the town of Barrington. The projected iron works do not seem to have been long continued.

Another industry encouraged was the raising of sheep, and for this purpose an act was passed exempting them from taxation for seven years. To protect them there was a large bounty paid for the head of a wolf, amounting to four or five pounds. In the year 1737 two hundred pounds appear in the treasurer's accounts for such bounties.

In 1718 a committee of the legislature decided that a gallows should be erected in the training field of Portsmouth, and that punishments other than by execution should be at the usual place near the gaol. Here must have been the whipping-post and the stocks, where criminals were exposed to public derision. Executions by hanging were until a recent date in places where the multitude of sightseers might glut their heartless curiosity. It has taken many generations of christian culture to make the spectacle of suffering repulsive rather than enjoyable. We are now civilized enough to do away with flogging a human being as a legal penalty, and we no longer take delight in seeing one hanged or electrocuted.

During the administration of Lieut-Governor Wentworth an attempt was made to establish the line between New Hampshire and Massachusetts. Some residents near the southern boundary were taxed in both provinces, and it was a matter of dispute where they ought to be rated. The agent of New Hampshire at London was Henry Newman, who repeatedly made efforts to gain the attention of authorities there and have this question of long standing finally settled. Commissioners were appointed by New Hampshire and also by Massachusetts to adjust their respective claims. They met at Newbury but effected nothing. New Hampshire contended that the line should begin at a point three miles north of the mouth of the Merrimack river at high water mark and run due west as far as the province of Massachusetts extended. To this interpretation Massachusetts objected, and the running of the line was postponed for a score of years. The boundary between New Hampshire and Maine also remained uncertain, the dispute being whether the line from the head waters of the Newichawannock river should run two or more points westward of north.

In 1718 events occurred which led to the settlement of about one thousand emigrants from the northern part of Ireland in New Hampshire. About the year 1612 a large colony of Scotchmen from Argyleshire crossed the channel that is only eighteen miles broad in its narrowest place and mingled with another colony of mechanics that came from London. These latter gave to Derry the name Londonderry, place made famous by its resistance to the siege of 1689, when its inhabitants came so near to starvation that a rat was sold for a shilling. Some who took part in that siege settled in Londonderry, New Hampshire, and were forever exempted from taxation because of heroic conduct and sacrifice for others. A state of guerilla warfare had existed in Ireland for a long time between Protestants and Roman Catholics. Later the English government required that these Presbyterians from Scotland should conform to the rites and usages of the Anglican Church, which they could not conscientiously do. Therefore many resolved on emigration, led by the reports of one Holmes, son of a minister who had visited New England. This minister, with three others, James McGregor, William Cornwell and William Boyd, gathered the bolder persons of their flocks in Londonderry, Coleraine, Antrim, Kilrea and the valley

of the Bann, and on the fourth day of August, 1718, five shiploads of Scotch-English, miscalled Irish, arrived in Boston. They strongly resented being called Irish, since they had nothing to do with the Irish in religion or blood relationship. The infusion of English blood came from London and from intermarriages earlier in the lowlands of Scotland. The same motives sent them across the Atlantic that drove the Pilgrims first to Holland and then to Plymouth. Both bands of emigrants wanted freedom to worship God in their own way, or, as is often said, according to the dictates of conscience, but conscience never dictates what is right or wrong, free or false. That has to be learned by means of an enlightened reason. But Scotch Presbyterians had learned through several generations to believe certain doctrines and to worship in certain ways, and there was no good reason why they should not be allowed to continue therein. So they felt and this made them willing to leave the beautiful and fruitful vales of northern Ireland for the poorer soil and wooded wilderness of New Hampshire.

One ship load at least went to Casco Bay and spent a winter in the harbor of Falmouth, now Portland, not finding a satisfactory place wherein to settle and being too poor to live in houses. So poor were they that a petition was sent to the general court of Massachusetts for their relief, and a hundred bushels of Indian corn were granted to them. A few of their families settled in Brunswick, the northern part of Bath, Cape Elizabeth, now South Portland, and other towns of Maine. Some went to Worcester, Massachusetts, where they did not meet with a favorable reception and soon dispersed to neighboring towns. Some stayed in Boston, where they founded the first Presbyterian church, of which the Rev. John Muirhead was minister. Sixteen families, in the spring of 1719, having heard that a region bordering on Haverhill, Massachusetts, was good land and from the abundance of its chestnuts and walnuts was called Nutfield, determined to settle there. They arrived April 11, 1719. The Rev. James McGregor, who had spent the winter in teaching school in Dracut, Massachusetts, was chosen as their minister. The first sermon was preached to them under a spreading oak tree the evening after their arrival at West-Running Brook. Others of their countrymen soon joined them, and **at the first partaking of the Lord's Supper two ministers and sixty-five communicants were present.**

The names of the first sixteen families that settled in Nutfield, soon changed to Londonderry, are worthy of preservation. They were those of Randal Alexander, Samuel Allison, Allen Anderson, James Anderson, John Barnet, Archibald Clendenin, James Clark, James Gregg, John Mitchell, John Morrison, James McKeen, James Nesmith, Thomas Steele, James Sterrett, John Stuart and Robert Weir. The address to Governor Shute, asking for a grant of land, had been signed by three hundred and twenty persons. Nine of them were ministers and three were graduates of the University at Edinburgh. These Scotch settlers are said to have first introduced to America the culture of the Irish potato, first planted in the garden of Nathaniel Walker at Andover, Massachusetts. They also brought with them their spinning wheels, turned by the foot. No company of settlers in New England can be found whose descendants have numbered more men of prominence in civil, military and educational affairs. It is enough here to mention Generals Stark and Reid of the Revolutionary Army, Governors Bell, Dinsmoor and Morrison, and James McKeen, first president of Bowdoin college.

The colony at Londonderry had difficulty in securing a safe title to their lands. The boundary line proposed by New Hampshire would leave the southern part of the township in Massachusetts. So both states refused to grant a charter though the lieutenant governor of New Hampshire gave them some recognition in appointing one of their number a justice of the peace and another deputy sheriff. A deed of a tract ten miles square was obtained from Colonel John Wheelwright of Wells, Maine, supposing then that the so called Wheelwright deed of 1629 was genuine. They were disturbed from time to time by people who claimed lands by virtue of a deed given twenty years before by an Indian sagamore, named John, and raiders from Haverhill tried to break up the settlement, but they persevered in good behavior and clearing of the lands till a charter was granted by New Hampshire, June 21, 1722.⁵

Londonderry remained the name of only the western part of the town, Windham, the southern part, having been set off and incorporated 12th February, 1741¹/₂, and Derry, the north-eastern part, in 1827. These and adjacent towns have felt the

⁵ N. H. Prov. Papers, Vol. IV, p. 2.

strong and uplifting influences of the Scotch character and the Presbyterian religion, the denomination still having several churches in the valley of the Merrimack, while the scattered Presbyterians in Maine soon melted into the Congregational churches.

The Society for the Settling of the Chestnut Country held a meeting in that country October 5, 1719. That society was composed of people from Hampton mainly and it had a few members from Portsmouth, who became proprietors in the town of Chester, which was incorporated May 8, 1722. Some settlers came from Bradford, Massachusetts, in 1726. Previously the region had been called Cheshire. Its southern boundary was Londonderry. Five hundred acres were set apart for the governor and as many more for the lieutenant governor of the province. These were the perquisites of office in several towns. In 1751 the southwestern part of Chester with a portion of Londonderry was incorporated as Derryfield, and the name was changed to Manchester in 1810. The northwestern part of Chester, called Freetown, became Raymond in 1765. Hooksett was formed in 1822 from a part of old Chester and portions of Bow and Dunbarton. Auburn, on the eastern border of Manchester was incorporated in 1845. Candia, that part of Chester which had been called Charmingfare, became a separate parish in 1762 and an incorporated town in 1763.

Nottingham, a town ten miles square, northwestward from Exeter, was incorporated May 10, 1722, from which Deerfield was set off in 1766 and Northwood in 1773. It was settled by colonists from the older settlements of New Hampshire and some from Massachusetts.

Barrington on the northwest boundary of Dover was incorporated May 10, 1722. It included the "two mile streak" and was thirteen miles long by six and a half miles wide. The westerly part was set off as Strafford 17 June 1820.

Rochester was incorporated as a town the same day as Nottingham and Barrington. It is north of old Dover and along the Salmon Falls river. The earliest settlers were principally descendants of the first settlers of Dover, Newington and Portsmouth. The first settler was Captain Timothy Roberts in 1728. The town had one hundred families in 1737 and Rev. Amos Main was their minister. Farmington was set off and incorporated in 1797 and Milton in 1802.

The council granted, May 11, 1722, to the children of Samuel Allen deceased and to their heirs a tract of land four miles square adjoining to Chester side line and to Nottingham head line, on condition that they settle fifteen families there within five years, if not delayed by Indian wars. There was a petition concerning this land in 1737. A part of it was incorporated with Pembroke in 1759, and Allentown was not made an incorporated town till July 2, 1831, although settlers were there before 1748, among them being John Walcutt, Andrew Smith, Daniel Evans, and Robert Buntin.

Some minor events during the administration of John Wentworth have historic interest. The council and house of representatives were dignified bodies, though composed of but few members. There is an order on record requiring each member to wear his sword while sitting in discharge of his public duties. The governor had power to summon the speaker and members of the house whenever he saw fit without informing them in advance of the object he had in view. Once this was demanded, but the governor refused to gratify their curiosity. When Nathaniel Weare of Hampton was elected speaker, Lieutenant Governor Wentworth refused to confirm the election. The representatives questioned his authority to do so, and he sent down his commission, containing, as he thought, the warrant for his action. The representatives were minded to give it another interpretation, calling attention of the governor to the historic fact, that the famous bishop Burnet had pointed out that "it was a settled point in the House of Commons in the days of King Charles the Second that the house had an undoubted right of choosing their speaker, and that the presenting him to the king was only matter of course and not for approbation, which settlement we can not learn has ever been questioned by any king or queen of Great Britain since." To avoid friction Mr. Weare requested the house to release him from the burden of filling the speaker's chair, and Andrew Wiggin of Stratham was chosen in his stead.⁶ In 1727 it was voted in the house of representatives that the lieutenant governor should be allowed twelve shillings per day, each councilor eight shillings, and each member of the house six shillings per day while in session. The

⁶ N. H. Prov. Papers, IV. 486, 488.

difference in pay denotes respect for rank in office rather than compensation for relative abilities and services.

The opposition, or lack of harmony, between the council and the assembly is manifest from time to time. The former represented royal authority and corresponded to the house of lords in England; the latter represented the people and corresponded to the house of commons. The people of New Hampshire, led by Nathaniel Weare, then speaker of the house, were getting tired of vexatious delays and fruitless expenses in settling the province lines, in securing stores of war, and in obtaining justice. Therefore the representatives passed the following resolve, January 10, 1727/8, which was highly displeasing to the council and probably led to the above mentioned negating of the election of Weare as speaker:

Whereas the Court sometimes called a Court of Appeals and sometimes the Court of Chancery assumes an arbitrary power without foundation or precedent, and whose proceedings are Neither by Juries nor any Known Rules and Laws, which renders the Estates of his Majesty's good Subjects within this Province most precarious and their Circumstances most Deplorable, which has occasioned a Generall Cry for Reliefe under so heavey a Burthen & whereas his honor the Lieut.-Governor has Signified to us upon application Made to the Honorable Board That his Instructions forbids the Dissolving any Court already Erected & therefore that wee May Expect Noe remedy from him and whereas your Province has been at a very Considerable & fruitless Expense for Settling the Province lines and for obtaining Stores of Warr, and the assembly frequently amused from time to time & yeare to yeare with hopes of Success & that a little Money at one time and a little Money at another time would accomplish the affaire, yet Notwithstanding these plausible Intimations & the Raised Expectations of Some the Matter for ought any thing we Can See is as far from a happy and favorable Issue as when the attempt was first Made & whereas an additionall Number of Councillors from the Severall parts of the Province is what people in Generall & this house as their Representatives Earnestly Desier, being assured it Cannot faile to promote the happiness of the Province, and whereas Many other things beneficiall for the Government may be proposed and Considered and Where as the worthy Gent who was lately an agent for us his Commission is Terminated: Therefore voted That Some faithfull Gent of Suitable Capacity and ability from hence who has the Interest of the Province at heart and one on Whose Integrity and uprightness wee May Depend be forthwith Comissionated and instructed to appeare at the Court of Great Britaine & Memoriall to his Majesty the Grievances before mentioned & to Implore his Grace and favor in ordering the Dissolving the Said Court or, if that may not be, then a New Regulation of It as in his Princely wisdom Shall Seem Right in Causing the lines to be Settled & your Stores Granted, the Number of Councillors increased as affore Said."

The council declared that this was a scandalous libel and asked the representatives to retract their vote. A conference of the two houses was held. Nothing definite resulted, and the matter was not pressed, perhaps because a new governor was immediately expected.⁷,

In 1726 it was voted in the house of representatives that the records of deeds be constantly kept at some convenient house at the bank (Strawberry Bank) in Portsmouth, and that the expense of recording deeds and conveyances should be at the rate of one shilling for each page of eight and twenty lines in each page and eight words in a line, and that six pence should be allowed for attestation, and no more on the penalty by law provided. The same year the representatives voted that there should be built a court house and a prison in the towns of Hampton, Exeter and Dover, and a state house at Portsmouth. A vote for the state house had passed the council the year before and the house did not then concur.

In 1728 the house of representatives set a valuation upon polls and estates for the purpose of taxation. Polls were rated at twenty-five pounds, lands at five or six shillings per acre, each ox three pounds, each cow two pounds, a horse three pounds, a hog ten shillings, each Negro, Mulatto or Indian slave twenty pounds, houses throughout the province at one pound and five shillings each. Notice how the manisons of the rich were rated the same as the hovels of the poor.⁸

As early as 1724 the assemblymen began to agitate in favor of a triennial act, requiring that no assembly, or house of representatives, should continue in office longer than three years. This was in harmony with a law in England that a parliament should be chosen for three years only. The agent in London, Henry Newman, reported opinion there as being against the proposed act, since the law did not work well, and it was changed so that parliament must be chosen once in seven years. Nevertheless the assembly of New Hampshire continued to favor such a law, and it was passed four years later.

⁷ N. H. Prov. Papers, Vol. IV, p. 479.

⁸ N. H. Prov. Papers, Vol. IV, p. 304.

Chapter XII

THE FOURTH INDIAN WAR

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Why Indians Preferred the French to the English—Influence of Jesuit Missionaries—Trouble Begins in Eastern Maine—New Hampshire Troops Sent Eastward—Attack on Merrymeeting and Brunswick—Exploit of Captain Baker—Road Cut to Winnepiseogee—Indians Attack Dover again—Newmarket and Oyster River Suffer—Captives Taken at Chester—Five Slain at Oyster River—The Hanson Family at Dover—Destruction of Norridgewock—Men of Dunstable Killed and Captured—Large Bounty for Scalps—Exploits of Captain Lovewell's Company—Battle of Pequawket or Fryeburg—Killing of the Evans Family—Commissioners Sent to Montreal—Treaty of Boston and Falmouth—Insecurity of both Whitemen and Redmen.

IT was during the administration of Lieutenant Governor John Wentworth that the fourth Indian war occurred, commonly called Lovewell's War. It is noticeable that the Indians of Maine and New Hampshire were always allies of the French against the English, and we do not read of depredations committed by them upon the French settlements in the provinces. This has been accounted for by the fact that the English government acted toward the Indian tribes as though they were subjects of the King of England and so rebels in time of war, while the French acknowledged the independence of the tribes. Moreover, the French sent Jesuit missionaries among them, who lived according to Indian customs, taught the elements of the christian religion, as well as some of the helpful arts of civilization. David Livingstone found this method of doing missionary work very effective in the heart of Africa and so opened up a great dominion to the British nation. The Indians were devoted to their missionaries and valued highly their religious teachings. One of the most noted of such missionaries was Sebastian Rasle, who lived among the Norridgewocks many years, taught them to build a chapel, and endeared himself to them by his life of service and sacrifice. Much has been written both for and against him. The settlers in Maine at his time hated him for stirring up the tribes against them and therefore

may have misrepresented him. Naturally his sympathies were with the French in their struggles for territory in America, and he can not be blamed for assisting his countrymen and his beloved Indians in their wars with the English, just as the English missionaries in Africa are now taking sides against the German colonists there and accepting all the assistance they can get from the African tribes. Rasle was an able, highly educated and devoted priest, and his work among the Indians should be judged from the French point of view. While England and France were at war, treaties with the Indians in Maine and New Hampshire could not go long unbroken. In every new treaty the compact was written in English and interpreted to the Indians, who assented to all that was asked of them, probably in many cases not knowing well the meaning of the terms employed. It is certain that such treaties never stood for a moment in their way, whenever they wished to dig up the tomahawk. Such promises were less than scraps of paper to them. They could not understand how their forefathers could have sold beyond recall large tracts of land, so that the tribes could no longer use them. They doubtless held that none of preceding generations had a right to so dispose of lands that successors would certainly need, and they had no wish nor ability to change their mode of living. As tribes they felt that they had an inalienable right to the soil and rivers for planting corn, hunting and fishing, a right which is now acknowledged in setting aside for their use large reservations, which the greedy whiteman can not too easily lay his rapacious hand upon. Their socialism was primitive and faulty, but grounded in natural rights. They needed no education nor religion to make them object to being driven off the earth by people who wanted their lands. What right had the king of England to claim all their lands as his own and give the same by a few signs on a piece of paper to patentees? Who made these Indians subjects of Great Britain? It is the old question, whether might makes right, or right makes might, and it has not yet been fought out to a finish. The ideal has often yielded to the practical,—yielded for a little time.

The English traders on the frontiers seem to have made no lasting friendships with the Indians. They were there to get rich, and the Indians found it out. At the first outbreak of war all trading houses, if not well garrisoned, were sacked and

burned ; then private houses were attacked and left in smouldering ruins ; and lastly forts were assailed by large numbers of Indians led by French. The eastern settlements in Maine were devastated again and again, no habitation being left for many miles.

The eastern Indians were troublesome for three years before the outbreak of the war, killing cattle, burning stacks of hay, robbing and insulting English settlers. The garrisons were reinforced and Colonel Shadrach Walton of Portsmouth had command of the forces, sending out scouting parties from time to time. The Indians sought the removal of all the English from the eastern lands of Maine but were afraid to make open attacks without the aid of the French. The governor of Canada supplied them with arms and kept them in a state of discontent. Many of the inhabitants withdrew to places of safety or left the province. Governor Shute appointed a congress at Arrowsic in 1717, when presents were exchanged and the sachems renewed a former treaty and assented to deeds of sale made by former chiefs. The late offenses were due, they said, to the inexperience of their young men. In the year 1718 John Kenniston and John Fox of Newington were arrested and taken to prison on suspicion of having killed an eastern Indian, named Hancock. Messengers were sent to Winter Harbor, in Saco, to treat with the Indians about this affair and to offer them compensation in money. In a letter from Richard Waldron to John Giles and Samuel Jordan, who acted as interpreters for New Hampshire, it was suggested that thirty pounds would be a fair sum to offer. The entire expense of settling this difficulty to the satisfaction of the Indians was over ninety-one pounds. Thus proper efforts were made to maintain peace.¹

But in 1720 the Indians began to be more insolent and Colonel Walton with two hundred soldiers under command of Captains Moody, Harmon, Penhallow and Wainwright, were sent to guard the eastern frontier in Maine. The Indians promised to pay two hundred skins for the cattle they had killed and to deliver up four young men as hostages. Some of the French missionaries and governors held a conference with Captain Penhallow at Arrowsic, and there the threat of the Indians was

¹ N. H. Prov. Papers, Vol. III, pp. 723, 742, 821.

made known, that if the English did not remove within three weeks, their houses would be burned and they and their cattle would be killed. This only led to an increase of men in the garrisons, and the following winter Colonel Thomas Westbrook led an expedition to Norridgewock to seize Sebastian Rasle. He escaped, however, and only his strong box was brought back, which contained incriminating correspondence with the governor of Canada.²

On the thirteenth of June 1722 the Indians took nine families at Merrymeeting Bay, in the present town of Topsham, Maine. Most of these were soon released. They also made an attack on St. George's near the present town of Thomaston, Maine. Belknap says that the town of Brunswick was destroyed, which is an exaggeration. Only a few houses were burned at New Meadows, and a few persons were killed, among them being two sons of Andrew Dunning, as they were crossing the Androscoggin river just below the falls. This led to a declaration of war against the eastern Indians, which was published at Boston and Portsmouth, July 25, 1722, after a peace of ten years.

Colonel Shadrach Walton, Colonel Thomas Westbrook and Captain Samuel Penhallow, all men of Portsmouth, were prominent leaders in this war, and Penhallow wrote a full account of it, from which the leading events are here transcribed, confining attention mainly to activities in New Hampshire. The following incident may be added. "About the year 1720 Captain Thomas Baker of Northampton in the county of Hampshire, in Massachusetts, set off with a scouting party of thirty-four men, passing up Connecticut river, and crossing the height of land to Pemigewasset river. He there discovered a party of Indians, whose sachem was called Walthernummus, whom he attacked and destroyed. Baker and the sachem levelled and discharged their guns at each other at the same instant. The ball from the Indian's gun grazed Baker's left eyebrow, but did him no injury. The ball from Baker's gun went through the breast of the sachem. Immediately upon being wounded he leaped four or five feet high and fell instantly dead. The Indians flew to the river; Baker and his party pursued and destroyed every one of

² That strong box is now in the possession of the Maine Historical Society.

them. They had a wigwam on the bank of the river, which was nearly filled with beaver. Baker's party took as much of it as they could carry away, and burned the rest. Baker lost none of his men in this skirmish. It took place at the confluence of a small river with the Pemigewasset, between Plymouth and Campton, which has since had the name of Baker's river."³

Governor Shute asked New Hampshire to contribute a quota of seventy men to help defend the eastern frontier in Maine, which the council refused to do, since New Hampshire needed all her men to defend her own frontier. They said that York, Berwick, Kittery and Wells, instead of being asked for help had been aided by one hundred soldiers, and these towns were no more exposed to assaults than were the towns of New Hampshire.⁴ A road thirty miles long was cut through to "Winne-pishoky pond" by one hundred and fifty men, with the intention of erecting a block house, or fort, there fifty feet square with flankers, but after reflection on the probable expense of maintaining it the building of the fort was not begun. A bounty of one hundred pounds was offered for an Indian scalp, and the pay of officers and soldiers enrolled for two years was fixed, for a captain seven pounds per month, for a lieutenant four pounds, for a sergeant and clerk each fifty-eight shillings, for a corporal forty-five shillings, and for a sentinel forty shillings. The selectmen of each town were authorized to employ a bellman to go through the town by night, presumably to alarm or warn the inhabitants if necessary.

The first attack of the enemy was made at Dover, whose inhabitants had suffered so much in previous Indian wars. There they killed Joseph Ham and carried three of his children into captivity. Soon after they killed Tristram Heard, whose grandmother Elizabeth (Hull) Heard, so wonderfully escaped capture in 1689. Thence they went to Lamprey river, now Newmarket, and killed Aaron Rawlins and a daughter while they were defending their home. Mrs. Rawlins, who was daughter of Edward Taylor, with a son and a daughter, was taken to Canada, whence the mother was redeemed after a few years. The son was brought up by and remained with the Indians. The daughter married a Frenchman and stayed in Canada.

³ Farmer's & Moore's Collections, Vol. III, p. 100.

⁴ N. H. Prov. Papers, Vol. IV, p. 53.

In the spring of 1724 Elder James Nock of Oyster River was shot from his horse as he was returning from setting his traps. He lived on the north shore of Great Bay, in the district called Lubberland. The Rev. Hugh Adams bemoans the sudden taking off of this worthy man and calls upon the Lord Emmanuel for vengeance. At Kingston Peter Colcord, Ephraim Stevens and two of the children of Ebenezer Stevens were taken and carried into captivity. Colcord made his escape after about six months. It was voted in the General Assembly "that Peter Colcord lately returned from captivity with the Indians obtained by his own courage and ingenuity and giving such account of the Indians proceedings as may be advantageous to the Government and he being now gone on an Expedition against the Indians That he be allowed and paid out of the Treasury a sum of ten pounds a present from this Government when he returns."⁵

On a sabbath day, May 24, 1724, the Indians lay in ambush and killed and scalped George Chesley at Oyster River, as he was returning from meeting. At the same time Elizabeth Burnham was mortally wounded and died within a few days. Tradition says they were lovers. At Chester Thomas Smith and John Carr were taken and went thirty miles with the Indians. While the latter were sleeping the captives made their escape. Moses Davis, who lived near Chesley's Mill at Oyster River, went to a brook to drink and found three Indian packs. He informed the soldiers and while guiding them to the place he and his son, Moses Jr., were killed. Two Indians were wounded and another was slain by the company under command of Captain Abraham Bennett. The Indian killed was thought to be a person of some distinction, and the Rev. Hugh Adams argued by his dress and prayerbook that he was an illegitimate son of the Jesuit priest, Sebastian Rasle, but this is a fanciful and quite unwarranted conclusion. Others have supposed, with more reason, that he was a son of the Baron de Castine, who had an Indian woman as wife. Robert Burnham affirmed before the Council that the scalp he showed them was *bona fide* the scalp of an Indian slain two days before, and one hundred pounds were awarded therefor to Captain Francis Mathews for the company of soldiers.

⁵ N. H. Prov. Papers, Vol. IV, p. 155.

The following narrative was written by Mr. Belknap, who, while living in Dover, had every opportunity to learn the exact facts:

Within the town of Dover were many families of Quakers; who scrupling the lawlessness of war, could not be persuaded to use any means for their defense; though equally exposed with their neighbors to an enemy who made no distinctions between them. One of these people, Ebenezer Downs, was taken by the Indians and was grossly insulted and abused by them, because he refused to dance as the other prisoners did, for the diversion of their savage captors. Another of them, John Hanson, who lived on the outside of the town, in a remote situation, could not be persuaded to remove to a garrison, though he had a large family of children. A party of thirteen Indians, called French Mohawks, had marked his house for their prey and lay several days in ambush, waiting for an opportunity to assault it. While Hanson with his oldest daughter were gone to attend the weekly meeting of friends, the Indians entered the house, killed and scalped two small children, and took his wife, with her infant of fourteen days old, her nurse, two daughters and a son, and after rifling the house carried them off. This was done so suddenly and secretly, that the first person who discovered it was the oldest daughter at her return from the meeting before her father. Seeing the two children dead at the door she gave a shriek of distress, which was distinctly heard by her mother, then in the hands of the enemy among the bushes, and by her brothers in the meadow. The people being alarmed went in pursuit, but the Indians cautiously avoiding all paths went off with their captives undiscovered. After this disaster had befallen his family Hanson removed the remainder of them to the house of his brother, who, though of the same religious persuasion, yet had a number of lusty sons and always kept his fire-arms in good order, for the purpose of shooting game.⁶

All these captives were sold to the French in Canada. The mother and three of her children were redeemed, with the nurse, the following spring by Mr. Hanson, who also redeemed Ebenezer Downs. Hanson's oldest daughter could not be obtained. She married a Frenchman and never returned. Her father made a second attempt to bring her home, in 1727, but died at Crown Point.

In August of 1724 Captains Moulton and Harmon of York led two hundred men to Norridgewock and surprised the Indians there, killing about eighty, burning their village and chapel and driving the rest into the forest. Sebastian Rasle was slain, after having lived among the Indians twenty-six years. Four Indians were taken alive and their English captives were

⁶ Hist. of N. H., p. 205.

liberated. The details must be left to the historian of Maine.

Nathan Cross and Thomas Blanchard of Dunstable were making turpentine where now is the city of Nashua, when they were surprised and taken by Indians. A party of ten started in search of them; they were drawn into an ambush and only one, Joseph Farwell, escaped. The leader of the party was Sergeant French. Another of the slain was Thomas Lund of Dunstable, the inscription on whose monument tells the story of his death and burial with seven more. Cross and Blanchard after some time secured their release by their own exertions and returned from Canada to Dunstable. At Kingston Jabez Coleman and his son were killed while working in the field.

The large bounty offered for Indian scalps led volunteer companies to go in search of them, especially after the notable victory at Norridgewock. Captain John Lovewell of Dunstable organized such a company, aided by Lieutenant Joseph Farwell, above mentioned. It consisted of thirty men. Their object was to secure scalps and thus also to protect the frontiers. North of lake Winnepiseogee they found a wigwam with a man and a boy in it. They killed and scalped the man and took the boy as captive to Boston, where they were duly paid for the scalp, and had, as Belknap says, "a handsome gratuity besides." Penhallow says that they received two shillings and sixpence per day, besides the scalp money. One man scalped by thirty! Compare this brave deed with some of the similar acts of Indians, and how much is there to the credit of a christian civilization?

The next time Captain Lovewell raised a company of seventy volunteers and east of lake Winnepiseogee they came upon a camp of sleeping Indians, having stealthily tracked and watched them by day. After midnight they fell upon the ten sleepers around a fire. Lovewell fired the first gun and killed two. Then his men fired by fives, as they had been ordered, killing five more. The three left started from their sleep, and two of them were immediately killed, while the last one, wounded, tried to escape by crossing a frozen pond, but a dog seized and held him fast till he, too, was killed. Was this retaliation? or were the Indians retaliating when they committed similar murderous and cowardly acts? Civilized warfare seems to be a contradiction in terms. There was then no alleviating

Red Cross corps. This "capital exploit" netted a thousand pounds. The scene of it was a pond in Wakefield, called Lovewell's pond. The brave company marched into Dover, not with the scalps dangling at their belts, but elevated on poles as proud trophies of war.

A third time Captain Lovewell set forth with forty-six in his company. The surgeon and a sick man, with eight men as a guard, were left at Ossipee pond, in a rudely constructed fort. The rest pressed on to a pond about a mile and a half from Pequawket, the site of the present town of Fryeburg, Maine. The story of this ten hours' battle has been told too many times to need a repetition of its details here. Lovewell and the majority of his men were slain, including the chaplain, Rev. Jonathan Frye, of Andover, Massachusetts. Probably twice as many Indians were killed, and this put an end to their marauding expeditions. The whitemen were drawn into an ambush and had no way of retreating. They had to fight and they did it well. This battle, or skirmish, reflected more glory upon those who participated in it than any that was fought in the Indian wars, and the honors belong about equally to the whitemen and the redmen. Both parties fought bravely and persistently, each resolved to kill the other or die. At dark the Indians withdrew and next day the whitemen marched homeward, some of the wounded dying on the way. Lieutenant governor Wentworth ordered fifty soldiers, under command of Captain Jonathan Chesley of Oyster River to march to Ossipee and Pequawket, to relieve any wounded whom they might find.⁷ Belknap says that this company did not reach the scene of action, and that Colonel Tyng with a company from Dunstable went to Pequawket, found and buried the bodies of twelve, and carved their names on the trees where the battle was fought. He visited the spot in 1784, and the names were then plainly visible. The party from Dunstable also found the graves of some Indians, among them being that of the Indian chief Paugus.

On the fifteenth of September, 1725, the Indians again sought to capture the members of the Hanson family in Dover, who had been redeemed from captivity. This they threatened to do before the Hansons left Canada. The Indians were concealed

⁷ N. H. Prov. Papers, Vol. IV, p. 169.

in a barn while two women passed by on their way to the garrison. Some men were laboring in a neighboring field. At the first discharge of guns Benjamin Evans was killed. They wounded William Evans and cut his throat. John Evans was wounded and bled profusely. Thinking him dead the Indians stripped and scalped him, during which operation he feigned death, though conscious of all that was going on. They turned him over and struck him several blows on the head. After they had gone he staggered toward the garrison, and some friends meeting him in a fainting condition wrapped him in a blanket and carried him to a place of safety. He recovered and lived fifty years. The Indians got away unmolested, carrying with them Benjamin Evans, a lad of thirteen years. He was "redeemed as usual by a charitable collection."⁸

Meanwhile William Dudley and Samuel Thaxter, commissioners from Massachusetts, and Theodore Atkinson, representing New Hampshire, were sent to Montreal to confer with the Marquis de Vaudreuil, governor of Canada, bearing the incriminating letters of the latter, which were found among the papers of Sebastian Rasle. The commissioners sought the restitution of captives and to impress the governor that he was principally responsible for the outbreak of hostilities, since he had encouraged the Indians to make war and had supplied them with arms and ammunition, which facts he denied. The evidences presented were disconcerting, since his letters were produced, and, moreover, an Indian stood ready to affirm that he himself had been supplied with arms by the governor, by means of which he had killed one white man and captured and sold another. The governor finally promised to do what he could to restore peace and release the captives. Sixteen were redeemed at an extravagant price. Some Indians had an interview with the commissioners, and proposed that "if the English would demolish all their forts and remove one mile westward of Saco river; if they would rebuild their church at Norridgewock and restore to them their priest, they would be brothers again." It was quite beyond the power of the commissioners to do all these things, especially to bring back Sebastian Rasle from the dead.

After the return of the commissioners to Boston prepara-

⁸ Farmer's Belknap, p. 217.

tions were made for renewing the war with vigor, and a petition was sent to the king, complaining of the French governor of Canada. The governor of New York was asked to co-operate in subduing and seizing the Indians. One of the Indian hostages in Boston was allowed to visit his countrymen and he soon returned with a request for peace. Commissioners went to St. George's, and arrangements were made for a meeting in Boston to conclude peace. Lieutenant-Governor Wentworth, Colonel Shadrach Walton, Major John Gilman, John Frost Esq., and Mr. Theodore Atkinson represented New Hampshire in that treaty, and each was paid five pounds for his expenses. The assembly also voted that twenty-five pounds should be expended for presents to the Indians. Three of the eastern Indian tribes had not come into the agreement made at Boston, and so the lieutenant-governor and three members of the council and one member of the house, Theodore Atkinson, went to Falmouth to meet the representatives of these tribes. Those from the council were George Jaffrey, Colonel Shadrach Walton and Richard Wibird.⁹

The treaty was concluded in the usual form, and truck-houses were established under the management of the government, for trading with the Indians. This put an end to depredations for about twenty-five years, though white men could not be wholly restrained from shooting a lone Indian, when opportunity was afforded. No court would convict a man for such a case of manslaughter, whatever the evidence might be. Those who had suffered on the frontiers were not scrupulous about the rights of the Indians, nor was there grief when the death of a former dreaded foe was reported. No treaty nor laws could entirely stop petty thefts by Indians. The whitemen stole on a larger scale by shrewd bartering, against which there was no civil law.

⁹ N. H. Prov. Papers, IV. 459.

Chapter XIII

ADMINISTRATIONS OF GOVERNORS BURNET AND BELCHER

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Short Rule of William Burnet—Settlement of Penacook, now Concord—Suncook, now Pembroke—Grants of Epsom, Chichester, Canterbury, Barnstead, Gilmanton and Bow—Coulraine Granted but not Settled—Kingswood—The Governor and His Friends Get Large Grants—Jonathan Belcher—David Dunbar—Political Intrigues—Retirement of Dunbar—Conflict between the Council and the House—Growth of the Democratic Spirit—First Episcopal Church—Condition of New Hampshire in 1730—Incorporation of Durham and Contoocook, now Boscaawen.

IN a speech to the general assembly, December 13, 1727, Lieutenant Governor Wentworth announced that William Burnet had been appointed governor of New Hampshire and Massachusetts, and added that "He is a Gentleman of known worth and has justly obtained a universal regard from all that had the Honor to be under his Government and will make us a happy people when he arrives here, if we are not wanting in paying that respect which his Character so justly deserves."¹

The new governor was a son of Bishop Gilbert Burnet, who was regarded as a friend to civil and religious liberty. He had been popular as governor of New York and New Jersey, a man of literary tastes, fond of books and free from ostentation. He reached Boston July 13, 1728, whither a committee was sent from council and house of representatives to join in his reception. In April, 1729, Governor Burnet came to Portsmouth and addressed the general assembly. He seems to have remained about a month. A house was provided for his entertainment. The government of Massachusetts could not be persuaded to grant him a regular salary, and many of the representatives of New Hampshire were unwilling to do so, although Governor Joseph Dudley enjoyed this benefit. There seems to have been stubborn opposition in both colonies to taxing themselves to pay the salary of officials whom they had not chosen. Popular

¹ N. H. Prov. Papers, IV. 261.

governors received presents from time to time, and unpopular ones little more than insults and neglect. Burnet had been instructed to insist upon a salary, and after some debate he was voted two hundred pounds sterling, or six hundred pounds in bills of credit, out of which sum he was to pay his own traveling expenses and also one-third of the two hundred pounds to his lieutenant-governor. For this latter consideration Wentworth renounced all claim to other salary and presents. Governor Burnet made no lasting impression upon the province, by reason of his death soon after. He died September 7, 1729, at Cambridge, Massachusetts, in consequence of the oversetting of his carriage upon a causeway, when the tide was high, occasioning a violent cold and fever.

The controversy was still going on as to who had jurisdiction in the valley of the Merrimack, and Massachusetts was fastening her clutches upon choice tracts of land therein. Old Dunstable was not enough; thirty miles up the river were the planting grounds of the Penacook Indians, known to traders for more than half a century. Indeed it is said to have been visited by white men as early as 1638, and Major Richard Walderne and Peter Coffin of Dover had a trading house here in 1668. The General Court of Massachusetts granted this region, in 1659, to twenty-two petitioners of Dover and Newbury, but the conditions seem to have been unfulfilled. In 1663 the same court granted to the inhabitants of Salem, Massachusetts, a plantation six miles square at Penacook. This grant also was forfeited. In 1725 about one hundred and twenty petitioners from Essex county, Massachusetts, principally from Haverhill, Bradford, Andover, Newbury and Ipswich, obtained a grant of a tract seven miles square. Their petition states that some Irish people from Nutfield were likely to get a grant of this region from the government of New Hampshire, alluding to the Scotch settlers in Londonderry who were pushing northward. The settlement was begun the following year, and in 1727 Ebenezer Eastman was the first to bring his family to Penacook. While about forty men were clearing the lands and laying out lots, a committee from the government of New Hampshire appeared on the scene and entered protest. This committee consisted of Nathaniel Weare, Richard Waldron Jr., and Theodore

Atkinson. There was no stay of proceedings. The Massachusetts people kept on felling trees, laying out lots and killing rattlesnakes. This last industry was encouraged by the offer of three pence per tail as town's bounty. In 1726 a sufficient cart-way was cut through from Haverhill to Penacook, by way of Chester, and in the same year the proprietors voted to build a block house forty feet in length and twenty-five feet wide. This building served many years for fort, meeting-house, school-house and town-house. The site is marked by a properly inscribed block of granite, near the corner of Chapel and Main streets, in Concord.

Suncook was granted by Massachusetts, in 1727, to the survivors of Captain John Lovewell's company and the heirs of the deceased. The Indian name was changed to Pembroke, when that town was incorporated, November 1, 1759. Other grants to the number of eight were made by Massachusetts to those who had served in the Narragansett war and in the expedition against Canada. The object was not so much to pension old soldiers as to secure a claim upon disputed lands.

Meanwhile the government of New Hampshire was alert. On the eighteenth and twentieth of May, 1727, Lieutenant-Governor Wentworth, in the name of the king, signed grants of the townships of Epsom, Chichester, Canterbury, Barnstead, Gilmanton, and Bow. The first five were clearly within the territory of New Hampshire, while Bow, according to the grant, comprised the greater part of the lands already granted by Massachusetts to the settlers at Penacook and Suncook. This made trouble for many years. The conditions of these grants were, that seventy settlers should clear lands within a few years, that a meeting house should be built, that lots should be reserved for a parsonage, a school and the minister, etc.

Epsom was a tract six miles in length by four and a half miles wide, adjoining Nottingham, now Deerfield and Northfield, on the northwest. It was named from a town in Surry, England, and was granted to Theodore Atkinson, John Frost, and others of New Castle, Rye and Greenland. The early meetings of the proprietors were held at New Castle and Portsmouth. As usual in the new grants few of the original proprietors settled here. The land was given to them to speculate with. They laid out some money in building roads and meeting houses and then

sold their lots to the best purchasers. The first settlers in Epsom were Charles McCoy from Londonderry, William Blazo, a Frenchman, Andrew McClary and Samuel Blake.

Chichester was granted to Nathaniel Gookin and others, many of whom were of Hampton. It adjoins Epsom, on the northwest. The northeastern portion of it was incorporated as the town of Pittsfield, March 27, 1782.

Canterbury, adjoining Chichester on the northwest, was granted to inhabitants of Oyster River, now Durham, and some of them settled here. The annual quit rent was one pint of Indian corn, if demanded. The southeast part of Canterbury was incorporated as the town of Loudon, in 1773, probably named for John Campbell, Earl of Loudoun, at one time commander of the British forces in America. The northern part of Canterbury became the town of Northfield in June, 1780.

In the grant of Barnstead to the Rev. Joseph Adams and many others of Newington it is said that the town was to "begin on the head of the town of Barrington, on the southwest side of the town of Coulraine and running by the said town of Coulraine eight miles." Many of the first settlers of Barnstead were from Durham. Few settlements were made before 1767. Here mention is made of a town of Coulraine. This was chartered December 8, 1726, and granted chiefly to the inhabitants of Londonderry, as the names of the grantees indicate, so that that town might have its share with the rest in the distribution of unoccupied land. Coulraine began at the northeasterly corner of Rochester, at or near Salmon Falls river, and ran twelve miles on Rochester head line, and thence northwest half a point northerly ten miles, making a township twelve miles by ten. Each proprietor was to build a dwelling house within two years or forfeit his claim. The annual quit rent was ten pounds of hemp and a barrel of tar. The conditions of the grant were not fulfilled, and October 20, 1737, Governor Belcher signed a grant "of the Town Corporate of Kingswood" to sixty persons of Portsmouth, beginning at the southeasterly corner of Barnstead and from thence to run upon the same course as Barnstead's easterly side line, to Winnipiseogee Pond, thence by a right angle till it came to the boundary line of what formerly was the Province of Maine, thence to northeasterly corner of Roch-

ester, and thence by Rochester and Barrington head lines to the starting point. This charter, too, lapsed, and out of its territory were formed New Durham, which was granted to Ebenezer Smith and others in 1749 and incorporated January 15, 1796, and Middleton, which was settled by Thomas Morgan and others a little before the Revolution and was incorporated March 4, 1778. Brookfield was set off from Middleton in 1794. Wakefield, originally called East Town, was incorporated August 30, 1774. Its southern part belonged to the lapsed grant of Kingswood. Alton, once called New Durham Gore, was settled by Jacob Chamberlain and others in 1770 and was incorporated January 15, 1796. Its southern part belonged to the ancient Coulrairie. (For charter of Coulrairie see N. H. Prov. Deeds, XV. 186-190.)

Gilmanton was granted, May 20, 1727, to twenty-four persons by the name of Gilman and one hundred and fifty-three others, chiefly from Exeter and Stratham, as compensation for services rendered in defense of the country. To these grantees were added sundry others, making the number up to two hundred and fifteen proprietors. The conditions of settlement were not fulfilled, and this township was claimed by the Masonian proprietors and regranted by them, June 30, 1752. Governor's Island was annexed December 30, 1799. Gilford was set off and incorporated June 16, 1812, and Upper Gilmanton was set off and incorporated June 28, 1859, its name being changed to Belmont in 1869.

It is noticeable that among the grantees of these new towns, Coulrairie, Epsom, Chichester, Canterbury, Barnstead, Gilmanton and Bow, appear the names of Governor Shute and Lieutenant Governor Wentworth, each of whom had four hundred acres in Coulrairie and five hundred acres in each of the other towns. Also the members of the governor's council came in for a share in each town, as well as the leading officials and merchants of Portsmouth and New Castle. Four sons of Wentworth were remembered in these grants, as well as his sons-in-law, Theodore Atkinson and Archibald McPhaedris, and his brother-in-law, Mark Hunking. Others repeatedly named in grants of towns were John Frost and son Andrew, Jotham Odiorne and son Jotham, Richard Waldron and son Richard, Shadrach Walton

and son Benjamin, George Jaffrey and son George. The wealthy families of Portsmouth needed more land for their sons. Wentworth must have received, or taken, over three thousand acres of land, and the members of his family as much more. It is easy for a governor to get land, when his signature to the charter or grant is necessary.

The grant of Bow was to Jonathan Wiggin and others of Stratham and Exeter, including also members of the governor's council and some of his friends. It began on "the southwest side of the town of Chichester, running nine miles by Chichester and Canterbury, and carrying that breadth of nine miles from each of the aforesaid towns, southwest, until the full complement of eighty-one square miles are fully made up." This grant was intentionally so made as to cover most of the land already granted in the townships of Penacook and Suncook by Massachusetts, each province hoping that the rival claims would be decided finally in its own favor. Therefore Massachusetts kept on her way and in 1733 incorporated Penacook as the town of Rumford, with no ascertainable reason for the new name. The Rev. Timothy Walker became the first settled minister in 1730, at a salary of one hundred pounds per annum. He built the first two-story framed house, which the town surrounded with a palisade and used as a garrison, or place of refuge in time of Indian depredations. Henry Rolfe, who had lately graduated at Harvard college, was the first town clerk and first deputy to the general court of Massachusetts in 1740. The controversy with the town of Bow will be noticed in a later chapter.

At the time of the death of Governor Burnet there was in England an agent of Massachusetts, named Jonathan Belcher. He was born in Cambridge, Massachusetts, January 8, 1682, son of Hon. Andrew Belcher, one of the provincial council, and grandson of Andrew Belcher who lived in Cambridge in 1646. Jonathan Belcher was graduated at Harvard college in 1699 and spent six years in Europe, visiting twice the court of Hanover, where he received from the princess Sophia a golden medal. He became a wealthy merchant and member of the provincial council of Massachusetts. Belknap describes him as "graceful in his person, elegant and polite in his manners; of a lofty and aspiring disposition; a steady, generous friend; a vindictive, but not



JONATHAN BELCHER

implacable enemy. Frank and sincere, he was extremely liberal in his censures, both in conversation and letters. Having a high sense of the dignity of his commission, he determined to support it, even at the expense of his private fortune; the emoluments of office in both provinces being inadequate to the style in which he chose to live." It may be added that perusal of his letters does not impress the reader with a sense of the governor's innate dignity, and many expressions are vulgar and belittling. While agent of Massachusetts in London he was understood to be a champion of the rights of the people and opposed to a fixed salary for the governor, but after his own appointment to that office he was very strenuous in insisting upon a fixed salary for himself, according to advice and requirement of the king in council. His interest was in Boston rather than in New Hampshire. During the eleven years that he held office it is not easy to point to any progress due to his activity and influence. Much of the time he was at loggerheads with the house of representatives, because they would not impose and collect taxes as he desired. In the boundary dispute he wrote for New Hampshire and acted for Massachusetts.

Yet he resented what appeared to be duplicity in others. Wentworth had written to London letters complimentary to both Shute and Belcher, not knowing then whether the former would be continued in office. Governor Belcher refused to be entertained the second time at the house of Wentworth, after he had been informed of what the latter had done. This also may have made him the more insistent that no part of the salary of two hundred pounds voted to him should be shared with Wentworth, as Governor Burnet had agreed, and Belcher made Wentworth sign an agreement that quit all claim to any salary or allowance from the assembly, depending wholly on the governor, who allowed him nothing, except the fees and perquisites arising from registers, certificates, licenses and passes, amounting to about fifty pounds annually. In consequence of this the friends of Wentworth formed an opposing party, led by his son Benning Wentworth, afterward governor, and his son-in-law, Theodore Atkinson. The latter was shorn of most of his offices and emoluments and was made to feel his inferior position. Richard Wibird became collector of customs in his stead, and he

was left with only half the office of high sheriff, Ellis Huske having the other half.

On the death of John Wentworth, December 12, 1730, Colonel David Dunbar, a native of Ireland with a Scotch name, was appointed lieutenant governor of New Hampshire and surveyor of the king's woods. Both offices occasioned him much trouble. He had had charge of the fort at Pemaquid and had induced many to settle in the neighboring parts of Maine. Here he had a fine residence and farm. He made himself unpopular everywhere he went by an overbearing attitude, perhaps fostered by his military office. There had been opposition between him and Governor Belcher before the former's appointment to office in New Hampshire and this became at once manifest on his arrival at Portsmouth. In Belcher's correspondence with Richard Waldron he calls Dunbar "that bull-frog from the Hibernian fenns" and often alludes to him as "Sancho." Dunbar sought to magnify his office, as George Vaughan had done before, claiming that when Governor Belcher was out of New Hampshire, the duties of governor in that province devolved upon himself, and he submitted to the council a series of questions bearing upon that claim, to which no reply has been found.²

Dunbar sided with Benning Wentworth and Theodore Atkinson in their dislike of Governor Belcher and schemes to get rid of him. A petition for the removal of Governor Belcher was signed by fifteen persons, and another petition for his retention in office was signed by more than a hundred. Both petitions went to London on the same vessel. Dunbar sought to get himself appointed governor in place of Belcher, only to bring himself into contempt, as shown by a citation from a letter of John Sharp, one of the lords of trade, to Governor Belcher:

"The first Degree of Power in every Province ought only to be intrusted to those of great & exalted minds, & will always, by a wise Prince, be kept at a distance from or out of the reach of all, who are of a grovelling & mean Disposition; & I am therefore fully convinced your Excellency will continue to hold your Reins of Government, without a possibility of their being snatched out of your hands by this vain aspiring man; & that he will Phaeton-like fall in the Attempt he is now making for that purpose; for he has presented the most extraordinary petition, the end of which is to obtain

² N. H. Prov. Papers, IV. 645.

two very modest Requests, tho' entirely inconsistent one with the other; to wit, that he may be made Governor-in-Chief of New hampshire, & that he may have a moiety of your Excellency's salary as such; but men of poor & low talents will always blunder in this manner."³

It is only fair that the student of history should see another portrait of Colonel Dunbar, drawn by his friend, Theodore Atkinson, in letters to the province's agent in London, Mr. John Thomlinson:

"Whatever is proposed by the house for the good of the Province is not concurred by the Council, who is so entirely swayed & Influenced by the Governor that any thing that seems in the least to clash with the Massachusetts Interest is Immediately rejected, & this we fear will always be the case while we are governed by a Massachusetts man, which we are fond of believing is near at an end & should be, I believe, Intirely content to be govern'd by Coll. Dunbar who is a gentleman, that the more knowledge we have of him the more we are attached to him & we flatter ourselves he will be the man at least the Governor of this Province" . . . "The Coll hath been as illy treated both by Superiours & Infer's as perhaps any man ever was, the Governor still not only Insisting upon all POWER & SALLARY even when in Boston that he in all Companies Ridicules & Denys that there ever was any thing said at the Board of Trade, that really Coll Dunbar is no more than a Cypher; not one of the Governor's officers ever comes near him either civil or military, the militia often meeting and beating drums about the Town without his knowledge or consent; if they are asked by any indifferent person why they don't pay that Compliment, they will tell you 'tis to oblige the Governor; the Council sett's in the same house where the Coll. lives & are summoned by the President by orders from the Governor & there transacts the affairs without even taking the least notice of the Lieut Governor. These transactions render the Coll. Intirely incapable of doing any service either as Lieut Governor or as Surveyor General, for now if he gets decrees from the Admiralty, the people will mob & murder his men that will venture to put in execution such Decrees & if they apply to the Governor he will forward their account against the Coll. & will at the same time refuse to call those rioters to an account or make any Inquiry into it tho' desired by a large part of the Lower house—indeed he many months after put out a Proclamation but offered no reward & Endeavours by all ways & means he can to render the Coll. odious, who notwithstanding the nature of his Employment, being what the people ignorantly think detrymental to them, yet was there an Election tomorrow for Commander in Chief I am sure he would have three to one against Governor Belcher. . . . The Government is a farce & we are Laugh'd at by every body. . . . One act hath been all that has been done in Two years, tho' at each Sessions many publick acts hath been voted by both Houses so

³ N. H. Prov. Papers, IV. 669.

that we are worried to Distraction with this Governor & the Lord send us a Deliverance."⁴

The above citations present a vivid picture of the political intrigues going on at Portsmouth, where the council were in league with Governor Belcher in seeking to restore the old union of New Hampshire with Massachusetts, while members of the house were endeavoring to obtain another governor and thus to be entirely separate from Massachusetts. In this controversy the people sided with the house of representatives, and when the latter was dissolved five or six times in rapid succession by a petulant and wilful governor, the same persons were reelected to form a new house. Thus no progress was made in legislation. The house would not lay taxes upon the people and raise money needed to pay current expenses, and the governor and council would not agree to a large issue of bills of credit. Thus the deadlock existed for two years or more.

The house of representatives wanted emissions of paper money, redeemable ten years or so later. Few governments seem to be willing to pay expenses as they go. It is so much easier apparently to issue paper money in the way of bonds or other securities and let the next generation pay the bills of the present time. Such bills of credit are necessary in times of great stress and urgency, occasioned by war, famine, earthquake or plague, but for the payment of the regularly recurring expenses of town, county and state the people should be taxed enough annually. The house of representatives allowed bills to accumulate for several years, till in 1736 the budget amounted to six thousand five hundred pounds, for which bills of credit were issued, four thousand pounds being redeemable in 1741 and the rest the following year. For the purchase of these bills payment could be made in silver, hemp, flax or bars of iron, at stated prices, and the prices fixed were sufficient to encourage the growth of the industries involved. When private merchants combined to issue paper money to supply the place of currency, the governor issued a proclamation against them and denounced them before the assembly, and when the latter tried to vindicate such currency, the Governor dissolved them with vigorous use of uncomplimentary adjectives, the justice of which they were unwilling to

⁴ N. H. Prov. Papers, IV., pp. 836, 840.

admit, and they told him so in language more dignified than his own.

Allusion has been made, in the letter of Theodore Atkinson, to obstructions put in the way of Colonel Dunbar as surveyor of the king's woods. Here he came into conflict with many trespassers, who could not be entirely restrained from cutting pine trees reserved for royal masts. He had authority to seize logs cut from such pines, and the claimants had to prove their property in the court of admiralty, where decision rested with the judge alone and no jury could be summoned. Colonel Dunbar went to saw-mills and in an offensive manner seized private property, which irritated the owners as much as would the confiscation of their lands. At Dover Dunbar and Paul Gerrish threatened each other with death, in case a pile of boards were removed or not removed, and Dunbar made prudence the better part of valor, leaving the boards to Gerrish. Some agents of Dunbar were sent to Exeter for a like purpose, and at nine o'clock in the evening, at the inn of Captain Samuel Gilman, they were beset by a disguised gang of malcontents, who beat and abused them so that they narrowly escaped with their lives. Moreover the rigging of their boats was cut and holes were made in the bottoms of the boats, so that they were obliged to return to Portsmouth in the morning on foot. A proclamation for the arrest of the rioters was issued after six days,—not many months as Theodore Atkinson wrote,—but the rioters had been disguised as Indians, and no witnesses could be found against them.

Thus Colonel Dunbar, in his office as lieutenant governor and as surveyor of the woods, found himself opposed by the governor, the council and the people. From the first the governor wanted to get rid of him and have Henry Sherburne appointed in his place, and if that could not be, then he favored Anthony Reynolds. The assembly never voted Dunbar any salary nor presents, as they had done to all former lieutenant governors. Insulted, neglected and abused, he retired for two years to his home near Pemaquid. On his return to Portsmouth Governor Belcher somewhat relented and made him commander of fort William and Mary, at New Castle. This post gave him an income of about fifty pounds, and he gathered in three hundred pounds more from his office as surveyor, out of which he

had to pay his deputies. He was not allowed even to preside at the sittings of the council, in the absence of Governor Belcher, a privilege which had always been accorded to preceding lieutenant governors, but he was not, as they had been, appointed also as councilor. In 1737 Dunbar went to England to further his plans to be made governor, where he was thrown into prison for debt. His liberation was effected by Mr. Thomlinson, and although he could not secure his own appointment as governor he had influence enough in London to work the downfall of Belcher. In 1743 Dunbar was appointed by the East India Company governor of St. Helena.

The petition sent to London in favor of Governor Belcher seems to have produced no effect other than that three new councilors were commissioned that caused him great annoyance. These were Benning Wentworth, Theodore Atkinson and Joshua Pierce, all opponents of Belcher. It was probably thought best to give both parties a fair representation in the council, so that the governor might not have too free a hand in tightening the reins of government. These men were kept out of their seats in the council for two years on some pretext about the administration of their oaths. Meanwhile they were chosen by the people as members of the house of representatives, and even then Governor Belcher claimed to make himself judge of elections and sought to exclude Joshua Pierce from the house. The house refused to choose a speaker or do any business till Pierce was properly seated. Here also he was forced to yield to the persistent opposition of the people and their representatives in defense of what they conceived to be their right according to English law and custom. The house told the governor that they were the sole judges of the due or undue election of representatives and that if the governor had "authority upon pretense of undue elections to prevent any member from acting in the House, it would be a power in a manner equal to that of choosing the Assembly himself," and that even the king never pretended to examine the due or undue elections of members of parliament.

Such little touches upon the historic canvas are of importance as showing the growth of the democratic spirit and power. The age-long struggle between the masses of people and the

aristocratic few has not yet ended. The Lords in England are facing deprivation of power or extinction at the hands of the House of Commons. Similar oppositions in this country have arisen between the Senate and the House in congress. When the council, the senate, or the judiciary are thought to be nullifying the will of the people at large, then the former are forced to give way, or they will become representatives of the people by direct election rather than by appointment of kings and legislatures. An Upper House, not constituted by the people themselves, has always been meant to be a check to the wishes and aims of the people, as expressed in the Lower House. More and more the conviction is growing that no such check is needed. The representatives of New Hampshire felt this nearly two centuries ago.

In 1730 the house voted that the four quarterly courts of sessions and inferior court of common pleas should be held in the four original towns, at Portsmouth in December, at Exeter in March, at Dover in September, and at Hampton in June, and this became law the following year. The practice was found convenient for the people, but Colonel Dunbar wrote to the board of trade in London, remonstrating against it. The act in consequence was disallowed, and after 1735 all the courts were held in Portsmouth.⁵

In 1732 the erection of an Episcopal church began in Portsmouth, near the site of the present St. John's church. Theodore Atkinson was one of the leaders in this movement and Mr. Thomlinson, besides contributing liberally himself, procured financial assistance in London. "It was called Queen's church in honor of Queen Caroline, consort of George II, who gave the books for the altar and pulpit, the plate, and two mahogany chairs which are still in use." Atkinson wrote to Thomlinson about it in 1734 thus,—“The Governor may make what pretences he pleaseth but he is the greatest Enemy the Church of England hath upon this Continent, I believe & had it not been for him, I believe, ours in this place would have been finished, but he upon being asked whether he would contrIBUTE towards it said, not as a Church, but if the Proprietors would make a

⁵ Belknap's Hist. of N. H., p. 233.

Stall-house of it he would give Twenty or Thirty pounds.”⁶ He says also that this was the first church ever erected in the province and was carried on by the chief people therein, whose good example, he hoped would be very prevalent in neighboring towns. In Portsmouth “upwards of one hundred families of the best sort of People already declared their fixed and determined resolution, & such as without whose help this town will scarce ever be able to maintain another Desenting Minister when either of those now here shall be removed.” The church had already cost two thousand pounds. Its adherents had to pay the usual tax to support the dissenters and subscribed freely toward the salary of the Rev. Arthur Brown, who continued with them till 1773. His salary was paid in part by the society for propagating the gospel in foreign parts.

At the very beginning of his administration Governor Belcher called attention to the need of revising the laws, of putting all grants, deeds and public papers into proper condition and of erecting a handsome court house in Portsmouth, but such were the poverty of the province and the oppositions between the governor and the people that his advice was disregarded. Bills of credit were already worth only a third of their face value, and it was no time to erect costly public buildings. Governors and rulers in general have thought too little of the burdens they put upon overtaxed people, since the rich shift their taxes upon tenants and consumers.

The condition of New Hampshire in 1730 is shown in answer to queries sent from the lords of trade and plantations. The trade of the province was almost entirely in lumber and fish. Timber from oak, pine, hemlock, ash, beech and birch was manufactured into beams, plank, knees, clap-boards, shingles and staves, and sometimes into house-frames. Such commodities were sent to Europe and the West India islands to the value of about one thousand pounds sterling, and the coast trade in timber and lumber amounted to five thousand pounds. From the West India islands the province received rum, sugar, molasses and cotton, and from Spain and Portugal came vessels laden with salt in exchange for fish. British manufactures to the value of five thousand pounds came in generally by way of

⁶ N. H. Prov. Papers, IV. 837.

Boston. The seafaring men numbered only forty, and five ships of one hundred tons burden belonged to the province. There were three or four hundred tons of other shipping that traded in Portsmouth annually. The number of inhabitants of the province was ten thousand whites and two hundred blacks. At that time there were no Indians living permanently in New Hampshire and none nearer than the eastern parts of Maine. The militia numbered eighteen hundred, consisting of two regiments of foot, with a troop of horse in each. There was one fort, greatly in need of repair, and not a barrel of gunpowder in it. The revenue of the province amounted to three hundred and ninety-six pounds raised by tax on liquors, and three or four barrels of gunpowder were paid by shipping as powder money. This was expended at the fort. All other revenue came from polls and estates. The ordinary expense of the government was about fifteen hundred pounds in time of peace. The judges, justices, sheriffs and clerks had only the fixed fees of their several offices and drew nothing from the public treasury. The governor's salary was six hundred pounds in depreciated currency and he commissioned all civil and military officers, except the council appointed by the king, the recorder of deeds chosen by the general assembly, the clerks of courts nominated by the judges, and town officers chosen by the towns at their annual meetings.⁷

During this period several new towns were incorporated. Among them was Durham, May 15, 1732, formerly a part of Dover and known as Oyster River. It had long been a separate parish and the Rev. John Buss served here many years as minister and physician. The church was organized in 1717 and the eccentric and able Hugh Adams became its first settled minister. The town made as much trouble for him as he made for the town, several law-suits between them having arisen. Saw-mills, ship-building and agriculture gave the town considerable prosperity and prominence in the early days, and many of its leading citizens will be mentioned in the subsequent history of the state. We have already seen that it suffered more than any other settlement in the Indian wars. This town contains the oldest house

⁷ N. H. Prov. Papers, IV. 532-3.

in the state built in 1649 by Captain Valentine Hill. It is also the seat of New Hampshire College.

The government of Massachusetts granted to John Coffin and eighty others of Newbury a tract of land seven miles square, on the northern border of Penacook, now Concord. This tract was called Contoocook, from the Indian name of the river. It was incorporated by New Hampshire as Boscawen, in 1760, in honor of Sir Edward Boscawen, an English admiral. The settlement of this town was begun in 1734 by Nathaniel Danforth, Moses Burbank, Stephen Gerrish, Edward Emery and others, who built a log fort one hundred feet square. This was much needed in the subsequent Indian war. Within the limits of this town is the monument to Hannah Dustin, mentioned earlier in this work. The town of Webster was formed from the western portion of Boscawen, July 3, 1860, and so named in honor of Daniel Webster.

Chapter XIV

CONTROVERSY ABOUT BOUNDARY LINES

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CONTROVERSY ABOUT BOUNDARY LINES.

Encroachments of Massachusetts—Importance of the Issue—Rindge and Thomlinson, Agents—Commissioners Appointed by the King—Attitude of Governor Belcher—Meeting at Hampton—Claims of Both Provinces—Meeting of Two Legislatures at Hampton Falls—Points in Dispute—Reference of the Main Question to the King—Prominent Features of Historical Interest—Appeals, Petitions and Delays—Decision of the King in Council—Chagrin of Massachusetts—Ex Parte Survey of the Lines—George Mitchell, Richard Hazzen and Walter Bryant, Surveyors—Mistake in the Variation of the Needle—New Hampshire's Unexpected Gain of Territory—Survey of 1825—Varnum's Monuments—Determination of the Jurisdictional Line in 1880—Re-survey and Extension of the Line between New Hampshire and Maine—The West bank of Connecticut River the Boundary between New Hampshire and Vermont.

THIS subject was so thoroughly considered by Dr. Belknap and so much has been written upon it since his time that little more can now be said. The controversy dates from the first settlements in the two provinces and had its origin in the grasping ambition of Massachusetts. During the administrations of governors Shute and Belcher carefully planned encroachments were made by the government of Massachusetts upon territory claimed by New Hampshire. Grants of thirty towns were made in the valleys of the Merrimack and Connecticut rivers and region lying between, and settlements were made therein by Massachusetts people. The question of jurisdiction only was in controversy. It was believed that the first settlers would continue to hold their improved lands, whatever final decision might be reached about the lines of the two provinces. Much earlier Massachusetts had granted the townships of Salisbury, Haverhill and Dracut, extending their limits much further north than three miles from the Merrimack, and no serious objection had been made by New Hampshire, since for the most part the claim of the latter had been for a line running due west from a point three miles north of the mouth of that river. The settlement of Londonderry in 1719 brought the issue

more clearly into public view. Conflicts arose between people of that town and those of Haverhill, and numerous arrests were made of settlers in Londonderry, who were carried to courts in Essex county for trial. These vexations cost the town of Londonderry alone about one thousand pounds. All along the southern boundary of New Hampshire, from the ocean to Pawtucket falls, settlers did not know whether to pay taxes in Massachusetts or in New Hampshire.

But the main question was that of jurisdiction. What government should make the grants in the northern valley of the Merrimack and beyond? Was New Hampshire to be a small and feeble colony, surrounded by Massachusetts, or was it to become the equal of its southern neighbor in extent of territory? Many felt that New Hampshire, in the former case, could not maintain its independence. Both provinces had one governor, but he lived in Boston and visited the northern province only twice a year for a short time. New Hampshire wanted to be entirely separated from Massachusetts and have a governor of its own, but it was too small and poor to support such a luxury according to the style that gentleman demanded. With enlargement of borders and influx of settlers it was thought that New Hampshire would obtain and be able to maintain an independent head to its government. Perhaps Benning Wentworth already had ambition to fill the chief seat of power in his native town and province and this may have made him and his relatives the principal opponents of Governor Belcher, who with the majority of his council sought annexation of the province to Massachusetts, whereby all boundary disputes would be settled. The continued existence of New Hampshire as a separate province was at stake. Therefore the lower house continually agitated in favor of a settlement of the boundary, and it appointed and paid its agents in London, without the consent of council or governor.

The agent chosen by New Hampshire's house of representatives, in spite of non-concurrence of the council, was Captain John Rindge, a merchant of Portsmouth, whom Governor Belcher alludes to as "the Ipswich lad." He moved to Portsmouth from Ipswich in 1700 and married Ann, daughter of Jotham Odiorne. He became a member of the House and later

of the Council, dying in 1740, when Belcher wrote of him, "The clan won't presently find such another able gamecock.¹ Captain Rindge was given authority to choose a substitute, if necessary, and he could not have made a better choice than he did, for Captain John Thomlinson, merchant of London, cared for the interests of New Hampshire as he might have cared for his own ancestral acres. He seems to have had a winning way with the king's advisers, and he was in argument more than a match for Francis Wilks, agent for Massachusetts. Rindge was appointed agent in 1731, after the failure of commissioners, who met at Newbury, to arrive at any agreement.

Governor Belcher seems at first to have been impressed with the fairness and justice of New Hampshire's claims. He thus wrote to the Lords of Trade January 13, 1732-3:

Although, my Lords, I am a Massachusetts man, yet I think this Province alone is culpable on this head. N. Hampshire has all along been frank & ready to pay exact duty & obedience to the King's order, and has manifested a great inclination to peace & good neighborhood. But in return the Massachusetts Province have thrown unreasonable obstacles in the way of any settlement, and altho' they have for 2 or 3 years past been making offers to settle with N. Hampshire they will not do so with them, which seems to me a plain argument that the leading men of the Massachusetts Assembly are conscious to themselves of continual incroachments they are making upon their neighbours of N. Hampshire, and so dare not come to a settlement.²

He writes also to Lieutenant Governor Dunbar, "Really the Massachusetts have treated your people in a barbarous manner," but later on his tone changes. He wishes that the "line wretches" had a line around their necks, and in 1739 he writes to his wife's brother, Richard Partridge, "Had it not been for the hopes the clan of New Hampshire entertained of gaining some advantage against the Governor in the controversy, I am sensible they had never given themselves any trouble about it."³ The fact that he sanctioned the granting by Massachusetts of so many towns within limits claimed by New Hampshire was a convincing argument that Belcher really favored the claims of the former province. The loss of the townships claimed on the

¹ Coll. of Mass. Hist. Soc'y, VII. p. 345.

² Coll. of Mass. Hist. Soc'y, Sixth Series, VI., 251; N. H. Prov. Papers, IV., p. 649.

³ Coll. of Mass. Hist. Soc'y, VII. 249.

northern border, speedily followed by the transference of several townships, including Bristol, Tiverton and Little Compton, to the colony of Rhode Island, had a tendency to disgust the people of Massachusetts with the leadership of Governor Belcher, and he easily foresaw the issue.

Mr. John Thomlinson, assisted by Ferdinand John Paris, a shrewd solicitor of London, on the fifteenth of February, 1733, presented a petition to the lords for trade and plantations, the main object of which was, that the precise spot should be determined where the southern boundary line of New Hampshire should begin and in what direction it should run, according to the terms of the original charter. The petition suggested that the spot should be three miles north of the mouth of the Merrimack river and that the direction should be west, parallel to the south boundary line of Massachusetts, which is west six and a half degrees north for variation.

A hearing was granted before the Crown Solicitor, and Massachusetts made no argument concerning the point of departure in fixing the boundary line. Therefore the solicitor reported that the line should begin, according to the charter of William and Mary, where the counsel for New Hampshire suggested, but nothing was said about the direction of the line. The report was approved by the king's council in 1735, and after long delays it was determined that twenty commissioners, chosen from the councilors of New York, New Jersey, Rhode Island and Nova Scotia, should be appointed to determine the boundary line, of whom five should constitute a quorum; "that they should meet at Hampton, New Hampshire, on the first day of August, 1737; that each province should send to the commissioners, at their first meeting, the names of two public officers, on whom any notice, summons, or final judgment might be served; and at the same time should exhibit, in writing, a plain and full state of their respective claims, copies of which should be mutually exchanged; that if either province should neglect to send in the names of their officers, or the full state of their demands, at the time appointed, then the commissioners should proceed *ex parte*; and that when the commissioners should have made and signed their final determination, they should send copies to the public officers of each province and then

should adjourn for six weeks, that either party might enter their appeal."⁴

The board of Trade wrote to Governor Belcher, that he should direct the assemblies of each of the provinces to appoint their two public officers and prepare their demands by the time the commissioners were to meet. It was feared that he would fail to give due direction to the assembly of New Hampshire, to the end that their committee and officers should not be duly chosen and present at the first meeting of the commissioners, since Belcher was reported to have said that the lines in question would never be run. Therefore Mr. Thomlinson and his solicitor, Mr. Paris, took extreme care to inform their friends in Portsmouth by sending to them duplicates of instructions given and to warn them to have their officials in readiness. The event proved as was feared. Governor Belcher prorogued both assemblies to the fourth of August, four days after the commissioners were to meet at Hampton, after giving an opportunity to the general court at Boston to name their two public officers, who were Josiah Willard and Edward Winslow. The assembly of New Hampshire, at its session in April, appointed a committee of eight, empowered "to prepare witnesses, pleas and allegations, papers and records, to be laid before the commissioners; to provide for their reception and entertainment, and to draw upon the treasurer for such supplies of money as might be needful."⁵ The committee appointed by the council consisted of Shadrach Walton, George Jaffrey, Jotham Odiorne and Theodore Atkinson; the house chose Andrew Wiggin, John Rindge, Thomas Packer and James Jaffrey.

This committee met the commissioners at Hampton on the first day of August and delivered to them a paper, reciting that the assembly had not been convened since the arrival of the king's order, but that they themselves, in order that there should be no failure for lack of officers, had appointed Richard Waldron, secretary, and Eleazer Russell, sheriff. Necessity knows no law, and no objection was made to this irregular proceeding.

The commissioners who met at Hampton were from Nova Scotia William Skene, who acted as president, Erasmus James

⁴ Belknap's Hist. of N. H., p. 239.

⁵ N. H. Prov. Papers, IV. 732.

Phillips, and Otho Hamilton; those from Rhode Island were Samuel Vernon, John Gardner, John Potter, Ezekiel Warner and George Cornel. Expresses were sent to call the other commissioners from New Jersey and New York, and at a later meeting Philip Livingston from New York appeared, and being senior in nomination presided in the court.

The committee from the assembly of New Hampshire presented their claim in writing that the boundary line should begin at the middle of the channel of the Merrimack river and run due west till it meet his Majesty's other governments and that the boundary between New Hampshire and Maine should be the Pascataqua and Newichawannock rivers, and from the head of the latter a line running north, less than a quarter of a point westward as far as the British dominion extended; and that the western half of the Isles of Shoals should lie within the province of New Hampshire.

The committee from Massachusetts had no report ready. This led the committee from New Hampshire to charge them with intentional delay, that proceedings might be obstructed and no decision reached by the commissioners. However, they were given till the eighth of August only to bring in their claims. If they failed to be ready then, the commissioners would proceed on an *ex parte* representation. The assemblies of both New Hampshire and Massachusetts met on the fourth of August. The former was prorogued to meet at Hampton Falls on the tenth of August, and the latter was prorogued to meet the same date at Salisbury, places only five miles apart.

On the eighth of August the committee from Massachusetts presented their claim to the commissioners. They contended that the boundary line should begin at the Black Rocks, where the mouth of the Merrimack had been sixty years before, and following the windings of the Merrimack river three miles north and east of it, should extend to Endicott tree, which was three miles north of the crotch or parting of the river, and thence due west to the Pacific ocean, called then the south sea. As for the boundary line between Maine and New Hampshire, they contended that it should run from the head of the Newichawannock river due northwest, till one hundred and twenty miles from the mouth of Pascataqua harbor be finished. Such a line

would cut off all the northern portion of the present State of New Hampshire, equal to nearly half of the State, and the end of the line would be somewhere in the northern part of Vermont. A northeast boundary of this sort would be utterly inconsistent with the western boundary of New Hampshire as claimed by Massachusetts.

William Parker was chosen clerk of the commissioners and later Benjamin Rolfe was added as his assistant. George Mitchel of Newbury was chosen as surveyor. He seems to have already drawn a plan by which the claims of each province could be understood by the commissioners, and his plan was accepted for immediate use.

On the tenth of August the assemblies of Massachusetts and New Hampshire met at the appointed places. The governor rode in state from Boston to Salisbury, attended by a troop of horse. Another troop met him at Newbury ferry, and three more troops at the supposed divisional line. These conducted him to the George tavern, at Hampton Falls, where he held a council and made a speech to the assembly of New Hampshire, recommending them to appoint two officers, who, they told him, had already been appointed by them without his assistance or recommendation. Of course he already knew this, but he was a stickler for forms and wished to maintain the dignity and power of his office. Either his call of an assembly to elect such officers was necessary, or it was not. If not, then his present recommendation was needless; but if necessary, then why had he not called the assembly together in due time? Either horn of this dilemma gored him, and his opponents made the best use of it they could.

The points in debate were, "Whether Merrimack river, at that time emptied itself into the sea at the same point where it did sixty years before? Whether it bore the same name, from the sea up to the crotch? Whether it were possible to draw a parallel line, three miles northward, of every part of a river, the course of which was in some places from north to south?" Each party had arguments and witnesses, and neither party was convinced by the other. While they were arguing the case, the governor took a three days' trip to the falls of Amoskeag, now Manchester, and the falls were thought to be "mighty."

The main point of controversy, was whether the charter of William and Mary covered all the land granted by Charles the First. The commissioners evaded a direct answer and referred the decision to the king's council. They did not want to assume the responsibility and thus offend either Massachusetts or New Hampshire. Impartial judges today would say that any fair interpretation of the charter of Charles the First would not allow to Massachusetts any more territory than they finally obtained. The commissioners reported "that if the charter of King William and Queen Mary grants to the province of Massachusetts Bay all the lands granted by the charter of King Charles the First, lying to the northward of Merrimack river, then the court adjudge and determine, that a line shall run, parallel with the said river, at the distance of three English miles, north from the mouth of said river, beginning at the southerly side of the Black Rocks, so called, at low water mark and thence to run to the crotch, where the rivers of Pemigewasset and Winnipiseogee meet, and from thence due north three miles, and from thence due west towards the south sea until it meets with his majesty's other governments; which shall be the boundary or dividing line between the said provinces of Massachusetts and New Hampshire on that side, But, if otherwise, then the court adjudge and determine, that a line on the southerly side of New Hampshire, beginning at the distance of three miles north from the southerly side of the Black Rocks aforesaid, at low water mark, and from thence running due west up into the mainland toward the south sea, until it meets with his majesty's other governments shall be the boundary line between the said provinces, on the side aforesaid." As to the northern boundary the court adjudged that the line should run from the mouth of the Pascataqua up through the middle of the Newichawannock, or Salmon Falls river, and from the head thereof north, two degrees westerly, till one hundred and twenty miles be finished, or until it meets with his majesty's other government. The entire expenses of the commission were to be borne by the two provinces equally. Thus nothing was decided after many years of delay, trouble and expense. The commissioners were given power to decide the controversy, but they disliked to offend anybody. They chose the safe middle path between right and wrong.

The commissioners adjourned till the twelfth of October, when they received appeals from both provinces. That of New Hampshire was the action of the House of Representatives alone, since the governor had dismissed the Council. It seems as though the governor and council were minded to block further procedure by legal informalities. When the House of Representatives proposed the raising of money to prosecute the appeal in London, the Council non-concurred, on the ground that the appeal was not an act of the Council, and that they had no voice in the appointment of the agent, Mr. Thomlinson. Their real animus was shown in the fact that they got up a petition to the king, asking that New Hampshire be joined to Massachusetts as one province. This was after the decision of the king in council. The assembly of Massachusetts voted two thousand pounds for the prosecution of their appeal and appointed Edmund Quincy and Richard Partridge agents to assist Francis Wilks.

About this time governor Belcher reminded the respective assemblies of the two provinces that on account of the depreciation of currency considerable sums were due him on his salary. The government of Massachusetts acknowledged the justice of his claim and voted him three hundred and thirty-three pounds, as they did to the president of Harvard college at the same time. The House of Representatives of New Hampshire voted him nothing, although his bill for depreciation was over three thousand pounds. He was asking for back pay for ten years. He had received such currency as others had received, and had no juster claim than they. Some ministers about the same time were asking increase of salary for similar reason, and the unpopular minister had great trouble to get enough to live on. A rigid adherence to the letter of a law is a great convenience, when one wishes to avoid a just financial obligation, or silence the clamors of conscience.

The legal documents, arguments, rebuttals, evidences and appeals, in the trial before the commissioners, as set forth at length in the nineteenth volume of the New Hampshire State Papers, are a formidable array on both sides and show a great amount of acumen. They sometimes remind the reader of the Athenian sophists, who could make the worse appear the better reason. A few points of interest may be noted.

The charter granted to Massachusetts by William and Mary left out some important words, "to the Northward of any and every part thereof," which are found in the older charter of Charles the First, in naming the northern boundary of Massachusetts. The advocates for New Hampshire pressed this point. This may have put the commissioners in doubt.

Both parties to the controversy claimed too much, thinking perhaps that one extravagant demand would counterbalance the other. Three miles north of a river manifestly means three miles north of the whole river and should be measured from the northern shore and not from the middle of a channel that was changing its course from time to time by reason of shifting sands. The Black Rocks were the rational northern bank of the river Merrimack as they are today.

It was probably the intention of the original charter to Massachusetts that the northern boundary line should run due west from a point three miles north of the Black Rocks, supposing that the river ran from west to east. Massachusetts must have so thought in granting land to Haverhill. The idea of a boundary line parallel with the windings of the river was a later invention since only by such an interpretation could Massachusetts claim the upper Merrimack valley as far as a pretended Endicott tree, three miles north of the crotch, where the Pemigewasset and Winnepiseogee unite to form the Merrimack. New Hampshire scouted the idea that there ever was any such tree. That claim is quite different from the claim established when the Endicott Rock was inscribed.

New Hampshire asserted that the Merrimack river was so named only from the first falls above Haverhill, Massachusetts, to the ocean, while the testimony was abundant that its northerly course up to the crotch was never known by any other name by Indians or whitemen.

The Massachusetts lawyers made it as plain as mud that north and south of the Merrimack really meant east and west of it also.

On the other hand the advocates for New Hampshire made "northwest" mean two degrees west of north, and the commissioners so ruled, thus nearly doubling the territory of the province. Surely the commissioners were better statesmen than

surveyors. They considered present and future political requirements more than the original meaning of words in a grant. The king's council supported this view of the case.

New Hampshire contended that, since the grant to Sir Ferdinando Gorges was only of land *from* the Pascataqua river eastward, therefore all islands *in* the river belonged to New Hampshire, and upon one such island the province had erected and maintained a fort for many years. It is certain that several other islands near the mouth of the river had always been conceded as belonging to the province of Maine, and these had been taxed as a part of Kittery, among such islands being those whereon is the present navy yard. The decision of the king did not change the previous status of the islands. Perhaps it was thought that it might be well to claim all in order to retain a part; the overreaching of Massachusetts must be countered in a similar manner.

Massachusetts objected to the projection of the southern boundary line of New Hampshire, till it met with his majesty's other governments, because the original grant to Captain John Mason extended only sixty miles from the sea; also they said that the northern boundary line should extend only one hundred and twenty miles, the fixed limit of the province of Maine. There was reason in these objections, but the king and his council meant to create a separate province,—an enlarged province based upon an ancient grant, that would be a rival to Massachusetts and perhaps a check to her political aspirations. The Bay Colony had made too much trouble and was not subservient enough to the wishes of magnates in London.

The argument urged in favor of the northern line as only two degrees west from north was, that thus would be included in New Hampshire a large tract of forest, having the best masts for the royal navy. This argument was privately communicated to Mr. Thomlinson in London, and expediency triumphed over mathematics, though the opinion of the learned Dr. Halley was sought and obtained in favor of a northwest line.

Edmund Quincy, one of the agents of Massachusetts, soon died, and Francis Wilks and Richard Partridge were a poor match against John Thomlinson and the astute and resourceful Ferdinando John Paris. His appeal was largely a complaint and

was based somewhat upon his imagination, not having before him the needed documents in full, but it was effective. He contrasted "the vast, opulent, overgrown province of Massachusetts" with "the poor, little, loyal, distressed province of New Hampshire." The appeal to sympathy is a mighty persuasive to men who are already convinced.

The appeals, correspondence, petitions and legal formalities delayed the decision of the king's council more than two years. Meanwhile the opponents of Governor Belcher were seeking in every possible way to secure his removal from office, and he had enemies in Massachusetts as well as in New Hampshire. A forged letter from Exeter, subscribed ostensibly by five citizens of that town, was sent to Sir Charles Wager, first lord of the admiralty, accusing Governor Belcher of working against the surveyor of the king's woods in encouraging the destruction of mast-pines. Belcher proved this letter to be a malicious lie, and that no such persons lived in Exeter, but the letter had wrought the mischief that a slanderous falsehood never seeks to correct, when exposed. The complaint that he had neglected to keep fort William and Mary in proper repair and supplies was sufficiently answered by the governor, who showed that he had visited the province twice a year and always recommended proper care of the fort, but the house of representatives would not vote the necessary funds. Five petitions, signed by five hundred names, were sent to London, in favor of Governor Belcher, and a counter petition, signed by seven hundred, was also sent, less than half the province having been canvassed for this purpose.

The lords in council censured Governor Belcher for his great partiality in proroguing the assembly of New Hampshire, as he had done at the time of the meeting of the commissioners at Hampton Falls, and thus it was already evident that his downfall was decreed. Thomlinson kept sending assurances to friends in Portsmouth that the line would be fixed according to their wishes, and the decision of the king in council was probably well known by some in close touch with them before it was formally proclaimed. That decision was on the fifth of March, 1740, and it was as follows:

That the Northern boundary of the said Province of the Massachusetts Bay are and be a similar Curve line pursueing the course of Merrimack River at three miles distance on the North side therof beginning at the

Atlantic Ocean, and ending at a Point due North of a place in a Plan returned by the said Commissioners call'd Pantucket Falls, and a strait Line drawn from thence due West cross the said River till it meets with his Majestys other Governments, and that the rest of the Commissioners said Report or determination be affirmed by his Majesty.⁶

The decision was a surprise to both provinces. New Hampshire was delighted and Massachusetts was chagrined. The former gained a tract on its southern border fourteen miles broad and fifty miles in length. "It cut off from Massachusetts twenty-eight new townships, between Merrimack and Connecticut rivers, besides large tracts of vacant land which lay intermixed, and districts from six of their old towns on the north side of the Merrimack; and if, as was then supposed, the due west line were to extend to twenty miles east of Hudson's river, the reputed boundary of New York, a vast tract of fertile country, on the western side of Connecticut river, was annexed to New Hampshire, by which an ample scope was given, first for landed speculation and afterward for cultivation and wealth."⁷

Massachusetts could not submit without a struggle. Petitions flew from many of the twenty-eight towns to London, to be re-annexed to Massachusetts. Six of the governor's friends in the New Hampshire council petitioned that the whole province should be annexed. Thomas Hutchinson, afterward governor of Massachusetts, was sent as agent to London to secure the ends of these petitions, but no heed was paid to his entreaties. "The petitions themselves," wrote Mr. Thomlinson to the New Hampshire committee. "are full of false facts, false geography, false reasoning—a most weak but wicked attempt of the unruly province of the Massachusetts Bay to sap that foundation, which his Majesty in great wisdom hath laid and fixt, and which must be the only means of establishing the lasting tranquility and happiness of both provinces."

Governor Belcher was commanded by the king's council to issue orders to both his provinces to join in the appointment of surveyors to run the boundary lines, specifying that if either of the assemblies should decline to do so, the other should proceed *ex parte*, following strictly the decision of the king. Massachusetts neglected to cooperate and after some consulta-

⁶ N. H. State Papers, XIX. 478.

⁷ Belknap's Hist. of N. H., p. 227.

tion with the New Hampshire House of Representatives the governor appointed three surveyors to run out and mark different portions of the line. George Mitchell of Newbury surveyed the line from the ocean to a point about three miles above Pentucket Falls, (written also Pawtucket and Pantucket); Richard Hazzen of Haverhill ran the straight line due west from the Pine Tree bound above Pentucket Falls to the boundary line of New York; Walter Bryant surveyed the line from the head of Salmon Falls river thirty miles into the wilderness, till the difficulties of traveling further and the presence of suspected Indians induced him and his party to return without finishing the survey of the last fifty miles.

George Mitchell may have been helped in the first reaches of his survey by a map of the line from the ocean to Powow river made in 1696 by Nathaniel Weare, Joseph Smith, Henry Dow and Samuel Dow, all of Hampton, by order of Lieutenant Governor John Usher.⁸ Mitchell's line, as he states, is not always just three miles from the Merrimack river, nor could it be always three miles due north from corresponding points on the north shore of the river, but what little he took from one province in certain places he tried to restore in other places, so that the territory between the river and the line was about what was intended in the king's decision. All surveyors who have reexamined this line have testified to its remarkable accuracy, especially considering the inferior instruments of surveying then in use. He began at a large stone in the marsh about sixty-two rods from high water mark, three miles and two hundred and twenty rods north from where the Merrimack river entered the ocean at that time, and from twenty-eight points of departure he measured a broken line of nearly thirty-nine miles in length to the Boundary Pine. It cut off much land from Salisbury, Amesbury, Haverhill, Methuen and Dracut, which tracts were soon incorporated into separate towns in New Hampshire. His bill of costs for himself and four assistants nineteen days, and forty days more of work in preparing a chart and his report, was one hundred and seventy-one pounds and twelve shillings.

Richard Hazzen had a harder task, to run a straight line to the New York boundary from the Boundary Pine, over rivers,

⁸ See N. H. State Papers, XIX. 354.

lakes and mountains, through forests and snows. He succeeded, however, with great accuracy. The work was done in March, 1740. The distance measured by him in twenty-three days was one hundred and nine miles, three quarters and thirty-eight perches. The line cut all the boundary towns in two. The larger part of Dunstable, including the meeting house lot and the burial-ground were left in New Hampshire. Nearly all of Nottingham West, now Hudson, was on the north side of the line, only a corner being left to Massachusetts, which is now the part of Tyngsborough east of the river. There are now seven towns in New Hampshire which wholly or in part once belonged to the old town of Dunstable as granted by Massachusetts. Groton lost a little territory, which now belongs to Nashua and Hollis. Townsend was deprived of one-quarter of her land, which now belongs to Brookline, Mason and New Ipswich, in New Hampshire. Ashburnham lost a thousand acres, and "Roxbury Canada," now Warwick and Royalston, Massachusetts, lost still more. Northfield was deprived of the northern strip of its territory four and a half miles wide, which now belongs to Hindsdale and Winchester, New Hampshire, and to Vernon, Vermont.⁹

Hazzen says in his Journal that he allowed ten degrees for "variation allowed per order of the Governor and Council," but in the governor's commission there is no mention of such variation, while it is expressly mentioned in instructions given to Walter Bryant for running the northern boundary line. This caused controversy later, for the variation, as all acknowledge, was too great, if a line was to run due west. Thus a gore of land fifty-six miles long and nearly three miles wide at its western end was taken from New Hampshire, which rightfully belonged to her according to the King's order. Why Governor Belcher ordered such a variation has been a matter of dispute, and certainly he had no authority for so doing. Perhaps he wished to leave as much as possible to the Massachusetts towns. But New Hampshire gained on the northeast boundary line, as run by Walter Bryant, a longer strip of land, which Benning Wentworth told the king contained the greatest growth of mast trees in America, a body of timber not to be equalled in all the

⁹ Green's Northern Boundary of Mass., p. 19.

world, and Mr. Thomlinson acknowledged, in 1740, that by the decision of the king New Hampshire would be eight times larger than it was accounted to be before.¹⁰ Thirty-five hundred square miles were taken from territory claimed by Massachusetts and added to New Hampshire, so that now the latter has about nine thousand square miles, while the former has seven thousand eight hundred.

Eighty-four years afterwards, 1825, commissioners from Massachusetts and New Hampshire went over the ground with surveyors, and although many of the boundary marks had disappeared, they were convinced that Mitchell and Hazzen had established a line that still could be traced and that their work was substantially accurate. New Hampshire then wanted to run a new line due west from the spot where had been the Boundary Pine, but to this Massachusetts did not agree. The claim of New Hampshire, if allowed, would have added fifty-five thousand nine hundred and sixty-nine acres to that state. No settlement was agreed upon, but two years later, Massachusetts authorized Benjamin F. Varnum, her assistant surveyor, to set up monuments along the line from the ocean to the Boundary Pine, which he did at the angles, to the number of twenty-nine. The distance from the Atlantic to the Boundary Pine was thirty-four miles and twelve rods. He also marked with monuments the line from the Boundary Pine to the Connecticut river.

Thus the true jurisdictional line remained unsettled till 1889. After four years of preliminary surveys and disagreements commissioners then concluded to accept the line practically as run by Mitchell and Hazzen. Nelson Spofford of Haverhill as agent for Massachusetts and Prof. E. T. Quimby of Hanover resurveyed the line and renewed the monuments. Then were found in the Public Record Office at London copies of the charts made by Mitchell and Hazzen, though all trace of such charts had long before disappeared from the records of New Hampshire and of Massachusetts. Spofford and Quimby made the distance from the boundary mark by the ocean, called Major's Rock, to the place of the Boundary Pine, thirty-five and eight-tenths miles, agreeing on some slight changes where the ancient boundary could not be clearly established. The stone

¹⁰ N. H. State Papers, XIX. 473.

where the Boundary Pine had been was found to be two miles and three hundred and thirteen rods north of the "great pot-hole place," or Great Bunt, as Hazzen called it, at Pawtucket Falls, which is now in the city of Lowell, Massachusetts. The reports of the commissioners of the two States at that time, with accompanying charts and copies of ancient records, form an interesting body of historical literature. The old rivalries of Provinces have made way for the union of States.

Bryant's survey of the northern line of New Hampshire extended only to Province Pond, seventy miles from the mouth of the Pascataqua river. In 1768 he and a Mr. Rindge extended the survey thirty-five miles further to a point fifteen or eighteen miles north of the Androscoggin river. In 1789 New Hampshire appointed two surveyors, Cramm and Eames, who, beginning at the northeast corner of the township of Shelburne, ran the line across lake Umbagog and the Magalloway river to highlands in the present county of Coos, a distance of fifty-four miles. Thus the boundary line between New Hampshire and Maine was one hundred and forty-eight miles, instead of the one hundred and twenty miles first contemplated. The line from the head of Salmon Falls river was a broken one, by reason of increased variation of the needle between the different times of survey. In 1827 the whole line was resurveyed by Eliphalet Hunt, the same who had been the agent of New Hampshire in surveying the southern line in 1825. His point of departure was the "Bryant Rock," at the outlet of East Pond, between the towns of Wakefield and Shapleigh, and his terminal was the birch tree in the highlands, marked by Cramm and Eames in 1789. The distance was one hundred and twelve miles and two hundred and thirty-three rods. He further marked the spot by heaping stones around the tree. In 1858 the northern part of this line was resurveyed by Col. Henry O. Kent, commissioner for New Hampshire, and John M. Wilson, commissioner for Maine. Their course ran from the Crown Monument, set up between the territories of the United States and the province of Canada in 1842 by the Treaty of Washington, to a stone monument at the northwest corner of Fryeburg, Maine. New stone monuments were erected and old ones retouched and trees were spotted. Thus the eastern boundary of New

Hampshire remains fixed. The western boundary, in 1764, was declared to be the western bank of the Connecticut river, from the Massachusetts line as far north as the forty-fifth degree of latitude. This decision was made by the king in council.¹¹

It would seem as though the western bank of the Connecticut river were a boundary well enough defined, but even now, in the year 1916, there are cases in court to determine whether the western bank is at high water mark or low water mark, and whether certain small islands belong to Vermont or to New Hampshire. Houses and mills have been erected where it is questionable whether they should be taxed in one State or in the other. These cases illustrate how hard it is to fix definite meanings in words. Changing circumstances demand new definitions.

¹¹ N. H. State Papers, XIX. 540.

Chapter XV

THE MASONIAN PROPRIETORS

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John Tufton Mason Claims Ancient Rights—Sale of lands to Massachusetts—Thomlinson Offers to buy Mason's rights in New Hampshire—Hesitation of the House of Representatives—The Entail Docked in New Hampshire—Certain Men of Portsmouth Buy Mason's Rights—Prominence of the Wentworth Family—Why the House Did not Buy of Mason or of the Proprietors—How Townships were Granted—The Curve Line—Land-Grabbing Propensity—Purchase of Allen's Heirs and Assigns.

AFTER the king in council had decided where the southern boundary of New Hampshire should be, the people of Massachusetts saw that they would lose large portions of land heretofore conceded as belonging to Salisbury, Amesbury, Haverhill, Methuen and Dracut. In order to quiet private owners and possibly to retain possession of lands unoccupied they instigated John Tufton Mason to revive the claims of the Mason heirs, which had been for a long time unmentioned. The entail had been docked in the county of Kent, England, and Mason's claim to lands in New Hampshire and Massachusetts had been sold to Samuel Allen. His heirs had sold a portion to Sir Charles Hobby. The courts of New Hampshire made it impossible for the heirs to obtain possession of their own, and so no attempt had been made for a long time. Meanwhile John Tufton Mason had become a man of ability and was quick to discern his rights, when they were pointed out to him by the agents of Massachusetts. Together they sought legal evidence of his descent from Captain John Mason, by means of depositions, and when this was established he sold to agents of Massachusetts all the land between the southern boundary and a straight line running due west from the eastern extremity of the boundary line, amounting to twenty-three thousand six hundred acres, of which two thousand were within the bounds of Salisbury, two thousand five hundred in Amesbury, ten thousand in Haverhill, five thousand five hundred and fifty in Methuen, and three thousand six hundred and twenty-five

in Dracut. The price paid was five hundred pounds and the date of the deed was July 8, 1738. Mason quitclaimed to the proprietors of the aforesaid towns all the lands therein lying more than three miles north of the Merrimack river, and it was stipulated that the tenants should not be disturbed. Massachusetts instituted no process of docking the entail. Why they did not at the same time buy of John Tufton Mason all his claim upon lands in New Hampshire is unexplained. Immediately he was sent to London, at the expense of Massachusetts, to assist agent Wilks in securing the objects of the deed.

Mr. Thomlinson, agent for New Hampshire, saw his opportunity at once. He proposed to John Tufton Mason to sell his claim on lands, tenements and hereditaments in New Hampshire to the government of that province, or to John Rindge, Theodore Atkinson, Andrew Wiggin, George Jaffrey and Benning Wentworth, within twelve months after New Hampshire shall be declared to be a separate and distinct government from the province of the Massachusetts Bay. Mason accepted the proposal and signed articles of agreement to that effect April 6, 1739. The price to be paid was one thousand pounds.¹ A condition was that in all future grants of waste lands a share should be allotted to John Tufton Mason equal to that of any other grantee.

This agreement was made by Mr. Thomlinson in behalf of the House of Representatives for the benefit of the entire people of the province. He seems to have made it on his own responsibility, without having time for correspondence and consultation. But he knew what he was about. He and John Rindge had already advanced money for the province to the extent of twelve hundred pounds, and this scheme opened up a way whereby they might be reimbursed. They expected and finally received their shares of the lands granted. The agreement was sent to Governor Benning Wentworth, who transmitted it to the House of Representatives. Delays were occasioned by Mason's absence at sea, the war and the changes that occurred in the membership of the house during the next five years.

Meanwhile Mason, at his own expense, had the entail

¹ N. H. State Papers, XIX. 193-6.

docked in a New Hampshire court, by an awkward and antiquated process of law, known as a fine and recovery, the ablest lawyers declaring that a similar process in England, which Samuel Allen had instituted, was not valid outside of the county of Kent, where the court was held, and Thomlinson had pointed out to them in a letter that the sheriff could not serve a process outside of his own bailiwick. Mason kept urging the House to fulfill the agreement and pay him for the lands. The House insisted that the sale of lands should be made to the general assembly, for the benefit of all the people, to be granted by the assembly as they should think proper. But Mason came to the conclusion that the House did not mean to purchase at all, and why should they? For a hundred years the people of New Hampshire had resisted all efforts of Mason's heirs and assigns to collect rents and take away their lands, and the governor and council, in the name of the king, had been granting township after township of waste lands and nobody appeared to dispute the rights of settlers. Why should they pay a thousand pounds for that which they already had for nothing? And why should they vote to tax the people for the purchase of lands which only the king, through his appointees, could grant? And to whom would the lands be granted? The Governor and council could do as they pleased about it.

The men named in Thomlinson's agreement with Mason and the council in general contended that the lands must be so purchased that the king only, (that is, they themselves) could grant new townships. While the House was delaying and voting about the matter, Mason sold all his claims to a few leading persons of Portsmouth. The deed was dated July 30, 1746. The grantees were Theodore Atkinson, Richard Wibird, John Moffat, Mark Hunking Wentworth, Samuel Moore, Jotham Odiorne, Jr., Joshua Pierce, Nathaniel Meserve, George Jaffrey, Jr., John Wentworth, Jr., Thomas Wallingford and Thomas Packer. The lands were supposed to comprise two hundred thousand acres. The price paid was fifteen hundred pounds. There were to be fifteen shares. Theodore Atkinson had three shares, two of which were for John Tufton Mason, which he sold, one-half share each, to Samuel Solly and Clement March, and one-half share to John Thomlinson. Mark Hunking Went-

worth had two shares, one of which he sold to John Rindge.

Mr. Albert S. Batchellor, in his preface to the second volume of *Masonian Charters*, has pointed out the relationships of these men. Mark Hunking Wentworth and John Wentworth were brothers, sons with the Governor, Benning Wentworth, of that John Wentworth who had been so long lieutenant governor. Theodore Atkinson and George Jaffrey were grandsons of Lieutenant-Governor John Wentworth. Samuel Solly married Jaffrey's sister. Richard Wibird's sister married a brother of the two Wentworths named in the deed. Thomas Packer married a sister of the two Wentworths; his second wife was mother of John Rindge and sister of Jotham Odiorne Senior; after the death of her first husband she married Nathaniel Meserve. John Rindge was brother of the wife of Mark Hunking Wentworth. Samuel Moore married a sister of Joshua Pierce; after his death his widow, Mary Pierce, and her brother, Daniel Pierce, owned his share. Daniel Pierce married Ann Rindge, sister to John Rindge. Clement March was a relative of the Pierce family. Thus all of the grantees, except Thomas Wallingford and John Moffat, were bound together by family ties. Besides, Mark Hunking Wentworth, Theodore Atkinson, Richard Wibird, Samuel Solly, George Jaffrey, Daniel Pierce, and Jotham Odiorne were members of the Governor's council, and the governor was at that time Benning Wentworth.

Now see what a grip one family had upon the unoccupied lands of New Hampshire. These men never would recognize the right of the heirs of Captain John Mason or of Samuel Allen to one penny's worth of compensation from the settlers of New Hampshire for lands cultivated, but to quiet possession, for the sake of compromise, and lest John Tufton Mason should sell his claim to Massachusetts or some other parties and so make trouble in court, they bought all his pretended rights. The House now was aroused. They asserted that the grantees had deprived them of a great bargain. Some called the grantees enemies of the government and villains; some said that they preferred to have the lands owned by Massachusetts, or by Indians, or French.

The answer of the grantees was, first, that they quitclaimed unto the inhabitants and proprietors of Portsmouth, Dover,

Exeter. Hampton, Gosport, Kingston, Derry, Chester, Nottingham, Barrington, Rochester, Canterbury, Bow, Chichester, Epsom and Barnstead, all right to lands, houses, woods, mines, minerals and other appurtenances in said towns. Gilmanton and Kingswood were not included, because those towns were not settled. This was done gratuitously and the owners of lands were quieted. The grantees only reserved to themselves in said towns the lands, houses, and so forth which they already held in common or severally as inhabitants or proprietors.

Secondly, they offered to sell to the province what they had bought of John Tufton Mason for the price they had paid him, with expenses incurred. The House reported that "for quieting the minds of the people, and to prevent future difficulty, it would be best for the province to purchase the claim, for the use and benefit of the inhabitants." The claim of John Tufton Mason was not worth considering, but the claim of fifteen proprietors, most of them being the leading men of the principal town in the province and connected with the most powerful family, was something to be reckoned with. The grantees addressed a communication to a committee of the House, saying that not one person believed the assembly ever intended to purchase of Mason; that they, the grantees, might have made large sums by confirming the rights of private persons instead of quitclaiming all rights of their own to the aforesaid towns; that many of the grantees would have given as much to Mason for his private quitclaim to their rights in the new towns; that Mason's rights had always hung over them and on every turn they were threatened with a proprietor since the government was settled; that Massachusetts had bought certain rights of Mason and that private persons had offered him more for his rights in New Hampshire than they had paid him. Therefore they were justified in making the purchase.

The purchasers would not sell, except on the condition that the lands should be granted by the governor and council, as had always been done before. The representatives of the people must have noticed that the governor and council heretofore had granted in every township large tracts to themselves and their friends. It was feared that they would continue to do the same. Then what benefit would accrue to the people taxed for the pur-

chase money? The representatives submitted a form of deed, by which the purchasers from Mason should convey all the lands bought to George Jaffrey and Ebenezer Stevens, as feoffees in trust for and in behalf of the inhabitants of the province of New Hampshire. Ebenezer Stevens of Kingston was then speaker of the House of Representatives.

To this plan of the House various objections were offered. That the waste lands should be granted "by the general assembly to the inhabitants of the province, as they shall think proper" was "inconsistent with the Constitution and contrary to his Majesty's Commission to his Excellency the Governor." Nevertheless the purchasers were willing to have the House buy the lands of them and afterwards petition his majesty for leave to dispose of said lands to the people in that manner. Observe, it was thought unconstitutional, the last resort of obstructionists of the people's will, for the general assembly to buy and grant the lands, but afterward the fifteen private persons who did buy of Mason granted townships without any reverence for the Constitution or permission from the king. The form of the proposed deed also was objected to; the phrase, "for the use of the people" was too indefinite and gave no more advantage to the oldest resident than to any newcomer; and especially no money was raised or proposed to be raised for the price of the lands and expenses.

Therefore the purchasers resolved to dispose of the lands purchased as they thought proper, and when Governor Benning Wentworth, in 1748, had it in mind to grant three townships in the former grant of Kingswood, the purchasers resolved to "form themselves into a Propriety" in order to care for their own interests. They took another deed of John Tufton Mason, September 30, 1749, which included land as far south as the Naumkeag river in Massachusetts, the southerly boundary of Captain John Mason's patent. This was done, notwithstanding that John Tufton Mason had already received from Massachusetts five hundred pounds for a portion of land included in this last deed. He was paid twenty shillings for this deed and he retained half a share for himself. About this time Mason was in London, scheming to get Benning Wentworth appointed

governor of Massachusetts, so as to leave the post of governor of New Hampshire open for himself.²

Had the House consented to buy the lands of Mason, then the people would have paid for them and the governor and council, appointed by the king, would have disposed of them as they saw fit, large tracts doubtless to themselves, as Lieut-Gov. John Wentworth and council had done before. Thus the purchasers of Mason would have saved their fifteen hundred pounds that they paid him, avoided all expense, and had large grants for nothing. No wonder that they were willing to transfer their deed to the general assembly. Now, with the lands in their legal possession, they proceeded to grant many townships to petitioners, always reserving a share for each one of the proprietors. A list of thirty-one petitions is on record, sent in before 1749, from about all the settlements in New Hampshire. The proprietors offered a farm of one hundred acres to any family or single man who would emigrate from Europe and settle on waste land in New Hampshire, and fifty acres to the agents for every such settler they secured.³

In making grants of townships the proprietors took good care of themselves. The grants were often without fees and always without quit-rents. Did they, then, give all their land away? Not quite. They reserved in every township a lot of large size for each proprietor. We find a list of lots owned by George Jaffrey in 1788, in forty-one towns and gores. The list comprises fifteen thousand six hundred and ninety-four acres, and it is reasonable to suppose that all the proprietors fared as well. What was this land worth? Almost nothing when the townships were granted, and that is one reason why lots were given to settlers gratuitously. It was the settlement and development of the townships that made land therein valuable. The unearned increment is what made the proprietors rich. Every settler added value to their lots, and they were shrewd enough to state in the charters, that the lands reserved by the proprietors should be free from taxes, till sold or occupied. Thus some of them continued to ripen for fifty years and then must have been sold for a good price.

² N. H. State Papers, XXIX. 252.

³ N. H. State Papers, XXIX. 278.

In each town a lot was reserved for the first settled minister, another for a parsonage and a third for a school. The grantees were required, within a limited time, to erect a meeting house and mills, make roads and settle a minister. The settlers would not have fared any better, perhaps not so well, had the general assembly purchased Mason's claim. The proprietors had many opposers, who would not admit the validity of Mason's claim and consequently would not recognize the legal rights of the proprietors, but the reins of government were in the hands of the latter and of their friends, who stood nearest to the king. The settlers in the townships that had been previously granted by the government of Massachusetts were quieted, usually without any recompense.

There was trouble about fixing the western boundary of the Masonian grants and this is well told in the following citation:

From early measurements it was discovered that only a part of Rindge and a very small part of Jaffrey were included within the patent, and that Dublin, Fitzwilliam, Marlborough, Nelson, Stoddard, and Washington were entirely outside of it. Yet all these towns had been granted by the Masonian Proprietors, and described as "lying within Mason's Grant." Finding they had exceeded the limits of their charter, the Masonian proprietors laid claim to this extraneous territory with a system of expansion which was equal to the emergency, and by which, during many years of controversy, they successfully maintained the control of the lands and townships in dispute. They contended that the original grant to Mason described an extent "of sixty miles from the sea on each side of New Hampshire, and a line to cross over from the end of one line of sixty miles to the end of the other"; they therefore claimed that this cross line should be a *curve*, because no other line would preserve the distance of sixty miles from the sea. In other words, they claimed their western boundary should be the arc of a circle with a radius of sixty miles, and whose center was at the sea. However ingenious this argument may appear, it was, without doubt, an after-thought, advanced for the occasion, to temporarily fortify their claim to the controverted townships. They also conveniently fixed upon the southwest corner of Fitzwilliam as the termination of sixty miles from the sea, by which, with an accommodating elasticity of the *curved* line, they successfully embraced the eight Monadnock townships and others to the north of them.³

The Revolution, which transformed the province into a state, put an end to the dispute with the Masonian Proprietors. The

³ Hist. of Rindge by Hon. Ezra S. Stearns, pp. 44-45.

legislature, after a hearing, decided to run a line of sixty miles from the Atlantic on the southern and northwestern boundaries of the state and from the ends of these lines to run a **straight** line across, thus determining by legal enactment the western boundary of the Masonian patent, the only reasonable conclusion. This straight line was ninety-three and a half miles long, from a mile and one-fourth east of the southwest corner of Rindge, and extended north thirty-nine degrees east. Then the Masonian proprietors bought of the state, for forty thousand dollars in public securities of the state and eight hundred dollars in specie, all the disputed land lying between this straight line and their imaginary curved line, which never could be precisely located, for when the surveyors tried to draw a curve from the western extremity, it would never meet the curve drawn from the northern extremity. The straight line of the state was run by Joseph Blanchard in 1787, son of that Joseph Blanchard who had been long before the agent of the Masonian proprietors and in whose name grants of townships had been made.

The land-grabbing propensity of the early Masonian proprietors seems to have been unbounded. Not even a broken curve, drawn about as they pleased, included enough. One of them wrote to agent Thomlinson in London, in 1750, saying that agreements had been made with all the towns but one, that had been previously granted by the government of Massachusetts, to hold the balance of such townships after having delivered up to the proprietors from one-fifth to one-quarter of the land therein, and new townships were granted out of the waste lands with a similar reservation. The proprietors thought they were serving their "King and Country" by so doing and the hope was expressed that their action would be "looked on in that light at home, & considering the Pains we have been at & the Progress made, wou'd it be unlikely that the Crown wou'd make (if petitioned for) us a Grant at the head of this Claim from the West Line to the North, that is, a Curve Line Parallel to our Former, of Twenty miles deep or of Thirty or fourty Miles, so as to meet Connecticut & so to go half Way over to our north Line, as we find there is some fine Land in this last Description." Thus they wished to take in all the southern half of the present State of New Hampshire, that had not been previously granted.

To this Mr. Thomlinson replied that he thought "it would be the wrongest Step that Could be taken." Instead he urgently advised them to buy the claim of the heirs and assigns of Samuel Allen, whose right had been conceded in the charter given to Massachusetts by William and Mary, and who "are so far from Being a Sleep, that they are at this very time in treaty with Some Gentlemen here for the sale of their Said right." No, he said, get your legal rights acknowledged first and controversies settled; then the king will, doubtless, sanction any encroachments you may be pleased to make, so long as the province is getting well settled.⁵

About forty years passed away before a final settlement was made with the heirs and assigns of Samuel Allen. Their claim was doubtful, yet it had foundation enough on which to base law suits and occasion uncertainty. Therefore in 1790 Gen. John Sullivan and others, as agents, effected a sale of all right of the Allen heirs and assigns to the then claimers of eleven shares of the Masonian proprietors, for five pounds in money and the reservation of eight thousand five hundred acres, scattered in different towns and gores. Thus the proprietors "restored that which they took not away," to end the struggle for conquest and spoils that was going on in the courts.⁶

It seems to have been the settled policy of provinces, townships, combinations of men, and individuals to get as large grants of land as possible and then expand the boundaries. Hence the principle business of courts was to settle land claims. Speculators saw the future possibilities. The wise ones, the seers, knew that they were acquiring valuable properties. The growth of the country in population would surely make them rich. Besides, there were valuable timber, large water powers, and perhaps rich mines. Let the king have the white pines for the royal navy. It would cost more than they were worth to get them out to sea from far inland. There would never be any more land, but there would be many more inhabitants; therefore, get land. Better than to buy it was to claim it by getting there first. Let a part of it pay for the development of the other part; then sell at advanced prices.

⁵ N. H. State Papers, XXIX. 280-282.

⁶ N. H. State Papers, XXIX. 345-350.

Such was the plan of the Masonian proprietors, and it worked well,—for them, and possibly as well as any other plan would have worked for the settlers of New Hampshire and their posterity.

Chapter XVI

ADMINISTRATION OF GOVERNOR
BENNING WENTWORTH

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ADMINISTRATION OF GOVERNOR BENNING WENTWORTH.

Departure of Governor Belcher—Appointment of Benning Wentworth as Governor—The Old Wentworth Mansion—Places that Served as a State House—Opposition between the Governor and the House—Attempts to Oust Governor Wentworth—Correspondence of Richard Waldron and Isaac Royall—New Hampshire's Part in the Siege of Louisburg—Col. William Vaughan—Plans for the Invasion of Canada—The New Towns on the Connecticut—Fort Dummer and the Fort at Number 4—Capt. Phineas Stevens—Surprises and Massacres by the Indians—Disastrous Expedition to Crown Point—Attacks of Indians in Hopkinton and Contoocook—Defense of Rumford and Massacre of the Bradleys—Victims at Rochester—Improvement in Indian Warfare—Offensive War pays better than Defensive.

IN the two preceding chapters it seemed better to group events logically rather than chronologically. It is now necessary to go back to the closing year of Governor Belcher's administration. The part he took in the settlement of the boundary line made him unpopular both in Massachusetts and in New Hampshire. He had quarrelled with his lieutenant, David Dunbar, and there was continual opposition between him and the New Hampshire house of representatives. He expressed his mind too freely in correspondence and utterances. He was an aristocrat and wanted unquestioning obedience to his advices. The only reason why he tolerated a house of representatives was, that they alone could initiate the assessment of taxes and the granting of money. When they would not do as ordered, he dissolved the assembly, and the people generally re-elected the former members to serve in the new house.

Effort was made to quiet opposition and prolong his term of office by arousing interest in the war with Spain. It was proposed to raise a company of one hundred men and to furnish a transport to take them to Virginia and thence to Cuba. A captain was appointed and he had beating orders to raise troops

in New Hampshire, but nobody was willing to volunteer. On this failure there was a vote of disapproval in the house, and their agent in London made use of it against Governor Belcher. His mistakes and his misfortunes were arrayed as arguments against his administration. Falsehood and forgery were employed to misrepresent him to the king's ministry, where he had friends loth to set him aside. The will of the people proved to be law even to the chief rulers, and so Governor Belcher was sacrificed. He had given up mercantile business in order to devote all his time to the duties of his office in the two provinces, and he expended out of his private revenues much more than he received as salary and gifts. He certainly did not seek to enrich himself and his friends by exercise of gubernatorial power. If his enemies had been as frank and open as he, there might have been more harmony and a longer term of service. He felt grieved that at the age of sixty, after long and faithful service to the king, he should be deprived of the means of supporting his family, and his confidence in the justice of the English government was shaken. He repaired to court and personally advocated his claims upon royal favor, thereby securing for himself the post of governor of New Jersey, which position he held till his death in Elizabeth, New Jersey, August 31, 1757. His one faithful friend throughout all his trials, as shown by his correspondence, was secretary Richard Waldron of Portsmouth, to whom he wrote in more familiar and unguarded style than to any other.

In May, 1741, commissions were made out to William Shirley as governor of Massachusetts and to Benning Wentworth as governor of New Hampshire, thus completely and finally separating the two provinces. Benning Wentworth, son of the popular Lieut.-Gov. Wentworth, was born in Portsmouth July 24, 1696. He was graduated at Harvard college in 1715 and became one of the leading merchants of Portsmouth. His business took him frequently to England and Spain, and he thus made acquaintance with men of influence in political circles. He had served as a member of the house and of the council for some years and knew well the state of affairs in the province. His failure to receive payment for a cargo of oak timber delivered at Cadiz and the loss of his ship on her return voyage is said to have

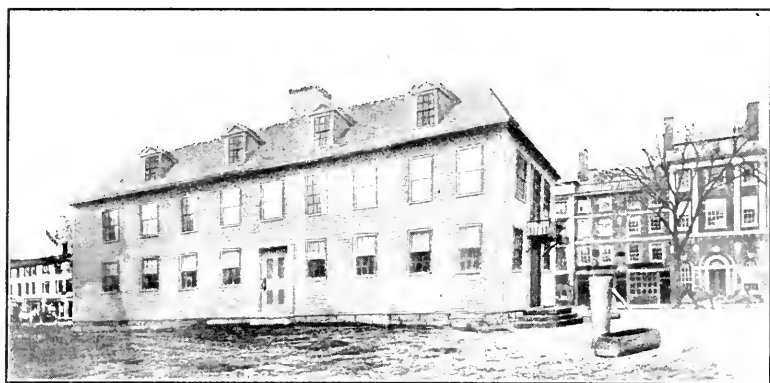
reduced him to bankruptcy, and some creditors in London gave him trouble. Mr. Thomlinson there befriended him and wrote to persons in Portsmouth, urging them to rally to the assistance of Mr. Wentworth and especially that his brothers would send him money. The war with Spain prevented his recovery of what was due him there, estimated to be fifty-six thousand dollars. The English government at first supported his claims and later may have felt under some obligation to measurably recompense him for his loss. The expense of procuring his commission, in the way, as would now be said, of lobbying, fees and tips, was three hundred pounds, which Thomlinson secured for him in London and which was repaid by friends in Portsmouth, Thomlinson assuring them that he had something in view for Mr. Wentworth that would enable him to pay all his debts. This proved to be the office of general surveyor of the king's woods in America, an office which David Dunbar was induced to resign on receipt of two thousand pounds. The office paid what was equivalent to about eight hundred pounds per annum, out of which four deputies had to be paid. With a salary of five hundred pounds additional as governor, together with some presents and large grants of land he managed to redeem his fortunes and after ten years or so to build himself one of the oddest and most spacious mansions in New England.

This famous house is about two miles from old Strawberry Bank, the present city of Portsmouth, and situated near the shore at Little Harbor. Who can tell the style of architecture? Some have described it as a "noble pile" and an "architectural freak." It looks as though additions had been made from time to time as afterthoughts. Originally it had fifty-two rooms, but a portion of the house has been removed, leaving only forty-five rooms. Here he married, as his second wife, his young housekeeper, Martha Hilton, whose parentage has never been learned. The house and the marriage are the subjects of Longfellow's poem, "Lady Wentworth," in "Tales of a Wayside Inn."

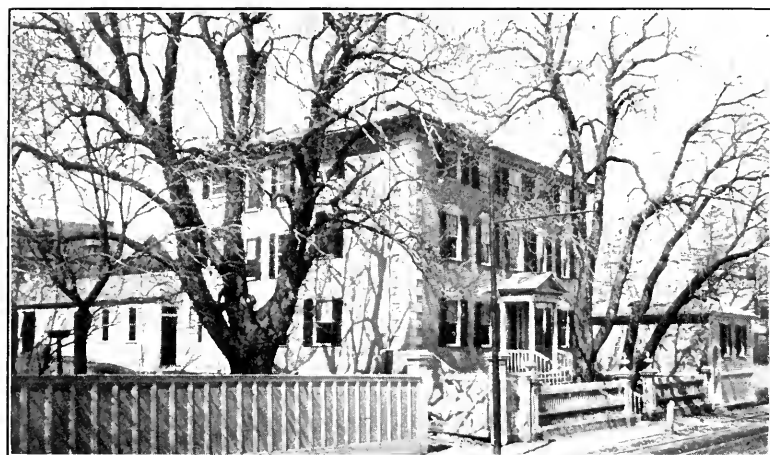
Here he died October 14th, 1770, after a quarter of a century's service in the gubernatorial office. Here he is said to have held court, but whether this served as state house, or meeting place of the general assembly, is in great doubt. The councilors without question often consulted with him here. Records

show that in 1745-8 Mrs. Sarah Priest was paid four pounds and ten shillings "for the use of her two rooms for council and representatives." The use of her rooms is last mentioned in 1753, and that year there was a vote in the council to build a brick state house eighty feet long and thirty wide. Sarah Collins married Thomas Priest in Portsmouth December 1, 1720, and she administered his estate in 1740. He is called mariner and she shopkeeper. Legal suits show that her principle stock in trade was rum, which she bought by the barrel and retailed. It was a convenient place for meetings of the legislature, an "ordinary" with spacious rooms and a bar for liquid refreshments, then thought to be quite a necessary accompaniment for the transaction of important business. From 1755 to 1762 at least a house was rented, for the use of the assembly, of Captain David Horney and his widow, Hannah Horney, innkeeper, who was daughter of Joseph Buss and granddaughter of the Rev. John Buss of Oyster River. Many votes were passed about the purchase or erection of a state house, but it was not finished till the year 1765, a long, two-story, wooden building, a part of which is standing on Court street, removed from the "parade," its first site.

Governor Benning Wentworth was careful to conserve all the dignity and power that belonged to his office, on the plea of guarding the prerogatives of the crown, by putting a curb on the house of representatives. It was the old question, whether the people should serve the ruler, or the ruler should serve the people. Whence flows governmental authority? Conduct expressed different answers. The house thought they had a right to choose a recorder of deeds; the governor and council claimed a share in his election. They yielded to the choice of the house, Joshua Pierce holding that office for a long time. When the house chose Richard Waldron for speaker, the governor promptly vetoed the choice. Waldron had been suspended as a member of the council on account of his friendship for Governor Belcher and his opposition to Governor Wentworth. The house denied the right of the governor to veto their choice of speaker. They had elected Waldron before admitting to membership certain representatives from recently chartered towns. It looks as though Governor Wentworth tried to pack



OLD COLONIAL STATE HOUSE



WHIPPLE HOUSE



WENTWORTH HOUSE, LITTLE HARBOR

the legislature in his own favor by appointing several new councilors and securing the election of representatives from new towns, without any authorization from the house of representatives. The house refused to admit representatives from South Hampton, Methuen, Chester, Haverhill and Rumford, because the house had never taken any action enabling those towns to thus take part in the government of the province. The governor had sent precepts to those towns without consulting the house. This led to a deadlock in legislation which continued nearly two years. The governor, by advice of council, kept adjourning and proroguing the house for short periods, urging them from time to time to choose a speaker and proceed to business. They were as firm as he was stubborn. They were contending for as large a measure as possible of self-government; the governor and council were determined to rule the province, in the name of the king. If the governor could create new towns at will and call their representatives to the house, if he could negative their choice of speaker, if he could send them all home whenever he chose and order a new election, how much self-government had the people? Nevertheless, the correspondence of that time with Mr. Thomlinson, their agent in London, shows that the action of the governor was regarded as within his rights. Representative government in the provinces was in an infantile condition, and a house of representatives had less power than the English house of commons. After two years the governor dissolved the house and a new election was ordered. Nearly the same persons were chosen by the towns, and among them was Richard Waldron from Hampton, but he refused to sit. The question of the admission of the representatives from the new towns was indefinitely postponed. Those sent were allowed to vote for choice of speaker and Mechech Weare of Hampton Falls was chosen to that office.

During those two years of opposition attempts were made to get rid of Governor Wentworth. Some wanted Sir William Pepperrell appointed in his stead, while Richard Waldron, Henry Sherburne and some other members of the house were seeking to have Colonel Isaac Royall of Medford, Massachusetts, appointed to that office. His principal qualifications seem to have been that he was ambitious for prominence and had the

money needed to secure the coveted place. He expressed himself as willing to help the oppressed people of New Hampshire to gain their liberties; later on, when the colonies were struggling for real liberty, Royall fled as a tory. He was a merchant and large speculator in land. Royalston, Massachusetts, and Royalsborough, Maine, were named for him. The name of the latter town was changed to Durham, when Col. Royall sided against the patriots of the Revolution.

The letters of Waldron to Royall show an embittered spirit as well as a keen intellect. He calls Benning Wentworth a tyrant and an ignoramus and alludes to him as "the Don" and "Diego," thinking perhaps that Wentworth had caught the spirit of the Spaniards in business dealings with them. Colonel Royall wanted to know what offices would be at his disposal, wherewith he might reward his friends, if he were appointed governor, and Secretary Waldron replied as follows, showing that office-seekers had not so strong allurements in those times as now, yet aspirants were not lacking:

The General Court appoints the Register of Deeds, claiming the right by prescription, and the Superior and Inferior Courts appoint their Clerks by authority of the law, but those Clerks are generally recommended by a letter from the Governor. . . . The Judges of the Superior Court have no salary, and each saves perhaps 5 or 10£ a year new Tenor out of their Fees; the Judges of the Inferior Court may each probably save about 25£ a year. The Secretary's allowance and honest perquisites may amount to about 70£ a year. The Treasurer who is also Commissary makes good earnings in Time of war; I cannot guess what, but in peace I believe his office isn't worth more than 40 or 50£ a year, the Clerk of the Superior Court's office is worth about 30£ a year, and the Register of Probate's the same. The Clerk of the Inferior Court's office and the Sheriff's are the two best offices in the government, and are probably worth near 125£ a year each. The Judge Probate's office is worth from 20 to 25£ a year.¹

The governor insisted on having a regular salary, and was a little disappointed that it was not made at least six hundred pounds. Instead the general assembly voted him two hundred and fifty pounds, proclamation money, to be paid out of the excise, or liquor-licenses, and after twenty-five thousand pounds in bills of credit had been issued on loan for ten years, they added two hundred and fifty pounds more, to be paid out of the

¹ N. H. Prov. Papers, VI. 60.

interest on the loan. But this was not all. The assembly voted him five hundred pounds out of the money raised for the West India expedition "towards the charge he has been at in coming to the government &c," and at the same time he was presented with one hundred and twenty-five pounds, bills of credit. Also the sum of one hundred pounds was voted "for his Excellency's use to hire a house to live in for the year 1742 from the 25th March Current." Considering the value of money at that time it must be concluded that the governor's relatives and friends saw him very decently provided for.²

It appears from the records that Gov. Benning Wentworth lived in the Brick House, the only brick house in Portsmouth at that time, into which he moved about the year 1753. This house was built by Archibald McPhaedris and is now known as the Warner house. Efforts were made to purchase this for a provincial house, or governor's residence, but no agreement could be made as to the price. House rent for Governor Wentworth was paid after he built his private mansion at Little Harbor, which leads to the inference that as governor he lived in town at the expense of the province for house-rent, while Little Harbor was his summer house or rural residence.³

The opposition to Governor Benning Wentworth seems to have been confined to members of the house of representatives and a few others of Portsmouth, under the leadership of Secretary Richard Waldron. The people throughout the province cared little about political disputes and the extent of the governor's authority. They were more interested in the war with France and in the protection of their frontiers against the Indians. Early in Wentworth's administration the siege of Louisburg stirred the hearts of New Hampshire men. This

² N. H. Prov. Papers, V. 623.

³ N. H. Prov. Papers, V. *passim*. The governor informed the House that the ways were so bad that he could not come up to Town and should be glad that a number of the House and of the Council would come down and confer with him upon the affairs. This was March 22, 1753, and evidently he was then living in his mansion at Little Harbor.

Again, January 2, 1754, "his Excellency desired the House to wait upon his Excellency at the Council Chamber, which was at the dwelling house of the late Coll. Moore, deceased." N. H. Prov. Papers, VI. 195, 231.

Again, June 10, 1755, the governor told the House that he had left a letter from Governor Shirley at Little Harbor and would send it up tomorrow. *Id.*, p. 392.

expedition has been described by Dr. Belknap with great fullness and particularity, almost as though it belonged solely to the history of New Hampshire. The truth is that Massachusetts, with the province of Maine then belonging to her, took the leading part in that expedition. The leadership of Sir William Pepperrell and the participation of three Maine regiments rather eclipsed the glory of New Hampshire in that campaign. Of the ten regiments, comprising 4070 men, Massachusetts furnished eight regiments, including the three from Maine, and Connecticut one regiment of 516 men, leaving only one regiment to New Hampshire and that a small one of only 304 men, commanded by Col. Samuel Moore of Portsmouth. About one hundred and fifty more men from New Hampshire are said to have enlisted in regiments from Massachusetts, but there is no certainty about this number. After the surrender of Louisburg New Hampshire sent 115 more men as a reinforcement to its regiment. In all New Hampshire had from 450 to 500 men engaged in that expedition, about one-eighth of the entire force. They sailed from Portsmouth in advance of the others, under convoy of an armed sloop commanded by Captain John Fernald and having thirty men. They arrived at Canso the first of April 1745, nearly a week before the Massachusetts troops. The surgeon of the New Hampshire regiment was Matthew Thornton, afterward one of the signers of the Declaration of Independence. A muster roll shows that the lieutenant-colonel of the New Hampshire regiment was Nathaniel Meserve and the major was Ezekiel Gilman, while the captains were Samuel Whitton, Thomas W. Waldron, True Dudley, John Tufton Mason, William Seward, Daniel Ladd, Henry Sherburne, John Fernald, Samuel Hale, Jacob Tilton and Edward Williams.⁴

The expedition against Louisburg was suggested to Governor William Shirley of Massachusetts by William Vaughan and was at once advocated by the former with enthusiasm. Vaughan went to Portsmouth and soon stirred up interest among the people of New Hampshire, who voted men and supplies with readiness, fifty barrels of gunpowder and masts for men of war. William Vaughan was born in Portsmouth September 12, 1703, son of Lieutenant-Governor George

⁴ N. H. Prov. Papers, Vol. V., p. 368.

Vaughan. He was graduated at Harvard college in 1722 and soon after he launched out into an extensive business in fishing and lumbering, on the coast of Maine. He had his fishing and trading post on the island of Martinicus, off the entrance to Penobscot Bay, and he set up saw and grist mills at the outlet of Damariscotta Pond, where he had a company of seventy men, women and children that he took there in his service from Dover, Somersworth, Oyster River, Exeter, Kittery and Scarborough. Here he built a fort one hundred feet square and had very extensive grants of land from the David Dunbar that we have met before. Vaughan went with the expedition to Louisburg and took a very prominent part in the siege, with rank of Lieutenant Colonel. It was very early in the siege that Vaughan had the good fortune to be detailed, with four hundred men, many of them from New Hampshire, to reconnoiter north of the town and harbor. Here he found warehouses filled with naval stores and wholly undefended. Having no way of transporting them, he set them on fire, and the smoke of tar and turpentine rolled toward the Royal Battery. The French supposing that they were being attacked in force abandoned the battery, having hastily and ineffectually spiked their guns. Vaughan had sent back to camp all but thirteen men, whom he retained as a bodyguard. The next morning these crept up toward the Royal Battery and to their surprise found it deserted. At once Vaughan sent the following note to the commander, Colonel William Pepperrell: "May it please your Honor to be informed that with the grace of God and the courage of about thirteen men I entered this place about nine o'clock and am waiting here for a reinforcement and a flag."

Thus without the firing of a musket thirty pieces of cannon were captured and were soon doing effective service in bombarding other fortifications and the town. Although the Massachusetts forces had no cannon larger than twenty-two pounders, they took along with them forty-two pound balls, expecting to capture French cannon to fit them, in which they were not disappointed. The hope of taking the strongest fortress in the western world with the weapons of the enemy,—a fortress that had cost twenty years of labor and the expenditure of six millions of dollars,—indicates perhaps more courage and pre-

sumption than military science. Governor Shirley had worked out in his law office a detailed plan of just how the thing was going to be done by surprise, and it is needless to say that his plan was not followed. The land forces under Colonel Pepperrell did most of the fighting; the ships commanded by Commodore Peter Warren succeeded in capturing the *Vigilant*, a French ship of sixty-four guns and manned with five hundred men. It carried stores of all kinds, and its capture was a great loss to the besieged. The *Vigilant* was at once manned by Colonel Moore's New Hampshire regiment, taken from the land forces at the urgent demand of Commodore Warren, and a naval assault was planned. But the fortress surrendered on the sixteenth of June, just forty-nine days from the arrival of the colonial forces.

Colonel William Pepperrell was knighted for this exploit, and William Vaughan thought himself deserving of some honor and went to London in search of recognition, but died of small-pox before his hopes were realized. The New Hampshire troops brought back a bell, which was presented to Queen's Chapel in Portsmouth. Later it was recast and is now in the tower of St. John's church, reminding with peaceful tones the inquisitive hearer of what valor without discipline can accomplish, when favored by Providence. This expedition united the colonists and encouraged them to feel that they could take care of themselves without the aid, and possibly in spite of the opposition, of old England. The treaty of Aix-la-Chapelle restored the fortress to the French and another siege was necessary after a few years, yet the efforts and sacrifices of the people of New England were not in vain. They helped to determine the character of western civilization and to bring all America under the sway of English people. The cost to New Hampshire was about a dozen men, who died of wounds and sickness, and the expenditure of 26,489 pounds in money. The province was reimbursed by England to the extent of 16,355 pounds. The very drums which led the triumphal march into Louisburg sounded in the ears of the patriots at Bunker Hill.⁵

⁵ It has been thought too remotely connected with the history of New Hampshire to enter into details of this remarkable siege. The work has been repeatedly and exhaustively done. See Parsons' *Life of General Pepperrell*; the *First Siege of Louisburg*, by Henry M. Baker; the minute

Elated by the capture of Louisburg Governor Shirley of Massachusetts conceived the larger plan of invading Canada and bringing all the French possessions in America under the British flag. He went to Louisburg and consulted with Colonel William Pepperrell and Commodore Peter Warren about the project. Thence he wrote to the British ministry, and the result was that in the spring of 1746 a circular letter was sent by the secretary of state to all the governors in America as far south as Virginia, asking them to raise all the men they could and hold them in readiness for marching orders. The plan was that troops raised in New England should join the British fleet at Louisburg and thence proceed to the conquest of Quebec, while the troops from New York and other provinces should march by way of Albany against Crown Point and Montreal. Governor Wentworth laid the plan before the general assembly and it was voted that in case ten thousand men were raised for such expeditions New Hampshire could probably furnish five hundred of them. The garrison at Annapolis Royal, in Nova Scotia, having been besieged by the French, Governor Shirley and Commodore Warren wrote to Governor Wentworth, asking New Hampshire to send her contingent for the Canada expedition for the relief of that place. The request was agreed to in council, and two vessels, the sloop Warren and the brigantine St. Clair, with provisions and stores and as many men as they could accommodate, were held in readiness to go eastward, sailors having been enlisted to man the vessels. About eight hundred men enlisted, under command of Colonel Theodore Atkinson. But there was unaccountable delay; no orders arrived from England. The men waited all summer. Then the plan was changed, to go to Albany and join the expedition against Crown Point. The small pox broke out at Albany and put an end to that plan. Again they were ordered to Nova Scotia, and in November, 1746, two hundred men were sent from Portsmouth to Annapolis. They accomplished nothing, sailed across the bay of Fundy and entered St. John's river, where the commander of one sloop lost eight of his men by mistaking a French skow for a Rhode Island transport. The sloop, instead

account given in Belknap's *Hist. of New Hampshire*; and especially Louisbourg, an *Historical Sketch*, by Joseph Plimsoll Edwards, read before the Nova Scotia Historical Society and published at Halifax in 1895.

of returning to Annapolis, sailed back to Portsmouth. The Massachusetts forces, under Colonel Arthur Noble, were defeated and captured, after loss of sixty killed and fifty wounded.

Atkinson's regiment marched to lake Winnepiseogee, built a fort there and encamped for the winter. There was little to do besides scouting, fishing and hunting. No enemy was encountered. Many soldiers deserted. Discipline was lax. Governor Shirley wanted the New Hampshire men sent in the dead of winter against the Indian village of St. Francis, by way of the Connecticut river, but better counsels prevailed. The following spring the troops were disbanded and thus ended a futile campaign. There were too many advisers and no concerted action under proper leadership.

Meanwhile the Indians were ravaging the frontiers, instigated by French leaders in Canada. Their usual procedure was to burn the houses and mills, kill and scalp the men, and carry into captivity women and children, for sale in Canada. Lieutenant Governor Phipps of Massachusetts, in the absence of Governor Shirley, declared war against the eastern and Canadian Indians, and this proclamation was seconded by the governor and council at Portsmouth.⁶

In 1736 the general court of Massachusetts granted four new townships on the east side of the Connecticut river above Northfield. These were six miles square and were known as numbers 1, 2, 3 and 4, corresponding to Chesterfield, Westmoreland, Walpole and Charlestown at the present time. By the settlement of the boundary line all these towns, together with the upper part of Northfield, now Hinsdale, became a part of the territory of New Hampshire. For the defense of this region the government of Massachusetts built a fort, in 1724. It stood on the west bank of the Connecticut river, just within the southerly limits of the present town of Brattleboro, Vermont. It was named Fort Dummer, in honor of the then governor of Massachusetts.⁷ It was built of hewn logs, dove-tailed at the

⁶ N. H. Prov. Papers, V. 105.

⁷ History of Northfield, by Temple and Sheldon, p. 200. A footnote to N. H. Prov. Papers, V. 182, says that Fort Dummer was on the east side of the Connecticut river, within the limits of the present town of Hinsdale. N. H. Griffin's Hist. of Keene, p. 35, says that it stood "on the west bank of the Connecticut river, in a narrow gorge between the hills, about one mile below the present bridge leading to Hinsdale."

corners, and was one hundred and eighty feet square. It served in time of peace as a truck-house, for trade with the Indians, and houses were built for the accommodation of the Indians. Six chiefs held commissions from colonel down to lieutenant and were in the pay of Massachusetts. They were always ready to guard the fort in time of peace, but invariably withdrew in time of war, to reconduct thither savages to burn and plunder the places they knew so well. On the eastern side of the Connecticut river and about sixty rods from its bank, on the trail leading from Northfield to Fort Dummer, Colonel Ebenezer Hinsdale built a fort in 1743. This was in the present town of Hinsdale. Block houses, or garrison houses, were built by Daniel Shattuck and Orlando Bridgman. There were also forts in the new townships, that at number 4, or Charlestown, being particularly strong and well defended.

Governor Shirley made request of Governor Wentworth that Fort Dummer might be garrisoned by New Hampshire troops. The house of representatives at first refused to grant this request, needing all the troops and means at command to defend other portions of the frontier. Fort Dummer was fifty miles from other settlements in New Hampshire. It was more of a defense to Massachusetts than to New Hampshire and therefore the former ought to care for it. It would be better, were they able, to put a garrison at Number 4, twenty-five miles further north. In fact if now the defense of Fort Dummer were undertaken, the protection of the whole valley of the Connecticut, above Northfield, would fall on New Hampshire, that had neither men nor money to spare. It was a question, too, whether the new towns on the Connecticut could be taxed for their own protection. Therefore it would be better to leave them to their own resources and the aid of Massachusetts. This was not selfish heartlessness on the part of New Hampshire, but good military strategy. It were better that those towns should be deserted during the war. Moreover, it was only just that Massachusetts should defend her own frontier, especially since New Hampshire paid all the expenses of Fort William and Mary, whereby Kittery and Berwick, belonging to Massachusetts, were defended. However, Governor Wentworth was alarmed because the lords of trade had threatened to restore Fort Dummer with

a district contiguous thereto to Massachusetts, if New Hampshire refused to guard it. He dissolved the house and ordered a new election of representatives, urging the same duty upon them, and Andrew Wiggin, ex-speaker of the house, wrote a letter to the representatives, showing them that it would result in great loss of territory and favor of the king, were they now to refuse the king's request.⁸ Consequently on the fifteenth of June, 1745, the house voted, twelve to four, to receive Fort Dummer, to make provisions for its support, and that twenty men be enlisted or impressed to serve for six months as a garrison to the fort. When the colonies were partially reimbursed by England for the expenses of the war, the agents of Massachusetts sought to have deducted from the share to be paid to New Hampshire the amount of expense Massachusetts had incurred in the defense of this place, and to have the same paid to Massachusetts instead, but the attempt was frustrated through the efforts of agent Thomlinson in London. Until this day it has been too much the custom of towns and states to shift their financial burdens upon their neighbors, whenever a legal pretext could be found.

In the spring of 1745 the Indians began prowling the forests and appearing on the edges of the settlements. On the twenty-fifth of March they burned the house of the Rev. Timothy Harrington at Lower Ashuelot, now Swanzey. On the fifth of July a small party of Indians captured William Phipps as he was hoeing corn at the southwest corner of Great Meadow, the name for what is now Westmoreland. Two Indians took Phipps into the woods about half a mile, when one went back for something he had left, and Phipps, watching his opportunity, struck down the other Indian with his hoe. Then with the disabled Indian's gun he shot down the other as he came up the hill on his return. In going to the fort Phipps unfortunately encountered three other Indians, who seized, killed and scalped him. Five days later the Indians appeared at Upper Ashuelot, now Keene, and killed Deacon Josiah Fisher, as he was driving his cow to pasture. He was found dead and scalped in the road, shot, as was supposed, by an Indian concealed behind a log.

⁸ N. H. Prov. Papers, V. 308-9.

Three months passed without further molestation. On the eleventh of October the fort at Great Meadow was assaulted by twelve Indians according to Belknap, and by eighty according to the History of Northfield, and they took captive Nehemiah How, as he was cutting wood about forty rods from the fort. He was hurried off to a swamp and pinioned. His captors were seen and fired on from the fort, one of their number being killed and another wounded. The cattle in the vicinity of the fort were killed and their hides were carried away. David Rugg and Thomas Baker were coming down the river in a canoe. Rugg was killed and scalped, but Baker got away. Three men by sculking under the river bank got safe to the fort. One of these was Caleb How, the prisoner's son. Opposite Number 4 the Indians made their captive write his name on a piece of bark and left it there. How was taken to Crown Point and thence to Quebec, where he was treated humanely by the French but died in prison, 25th May, 1747. He is described as a useful man and much lamented. He left a narrative of his experiences in captivity.

During the following winter a few soldiers were stationed at each of the forts along the Connecticut river and all was quiet till spring. In March Captain Phinehas Stevens set out, with fifty-nine men, to save the fort at Number 4 from falling into the enemy's hands and arrived in time. On the nineteenth of April, 1746, about forty French and Indians, under the command of Ensign de Neverville, who had been watching the town, waylaid three workmen who were going with a team of four oxen to the mill to fetch boards. The oxen were killed, and their tongues were cut out and carried away as choice morsels. The men, Captain John Spafford, Lieutenant Isaac Parker and Stephen Farnsworth, were carried to Canada and after some time were permitted to return to Boston under a flag of truce. The saw and grist mills at Number 4 were burned.

The fort at Number 4 was regarrisoned with sixty men, thirty of whom remained in the fort while the others were scouting, and thus the two parties took turns in guarding and scouting. New Hampshire offered a bounty of fifty pounds for an Indian's scalp, and Massachusetts offered seventy-five pounds, and eighty pounds for a live male captive over twelve years old.

About fifty Indians planned to capture the fort at Upper Ashuelot, now Keene, on the twenty-third of April, intending to rush into the fort just as the people were going out to their work in the morning. Ephraim Dorman was abroad early and gave the alarm. Two Indians concealed in a thicket sprang upon him. He knocked one of them down with a blow and tore the blanket from another, so making his escape. The commander of the fort, Captain William Symes, was reading the Bible at morning devotions. He ordered all to help those outside to get in. John Bullard was shot in the back as he was running from his barn to the fort. He fell near the door, was carried in and expired in a few hours. The wife of Daniel McKenney had gone to milk the cows. Being old and corpulent she could not walk fast, and the Indian whom Dorman had half stripped ran up behind her and plunged a long knife into her back. A Mrs. Clark outran a pursuing Indian and escaped to the fort. Nathan Blake was captured and taken to Canada, where he remained two years. Several houses and barns were burned. It was thought that several Indians were killed by the firing from the fort. A force of between four hundred and five hundred men was collected within two days, who scoured the woods about, but the bird had flown. The Indians seem to have known the woods better than the whitemen did, and they knew how to scatter in small groups and so evade their pursuers. The same or another party of Indians were prowling about early in May, and one of them was shot by a sentry, the son of the Mrs. McKenny above mentioned. He heard a noise at the gate by night and fired through the boards at a venture. Blood and beads found the next morning indicated that he had aimed well.

On the second day of May the Indians appeared again at Number 4 early in the evening, as the women went out to milk the cows, according to the custom of those days, guarded by several soldiers under command of Major Josiah Willard, son of the Colonel Willard who held command at Fort Dummer. Eight Indians were concealed in the barn and as the party approached they fired, killing Seth Putnam. The Indians sprang out to take his scalp, and a volley from the guard killed two of them. The Indians siezed their dying companions and made

their escape. On the sixth of May Deacon Timothy Brown and Robert Maffett were captured at Lower Ashuelot, now Swanzeey, and taken to Canada, returning at the end of the war.

In consequence of these raids Governor Shirley sent a troop of horse, under Captain Daniel Paine, for the protection of Number 4. On the morning of the twenty-fourth of May, twenty of Paine's men went out to see the place where Seth Putnam was killed and fell into an ambush, being not fully armed. A greatly superior number of Indians fired on the troopers. Aaron Lyon, Peter Perrin, and Joseph Marcy of Paine's troop were killed, and Samuel Farnsworth and Elijah Allen of Number 4 were also slain. Farnsworth was killed by a misdirected shot intended for an Indian he was wrestling with. Ebenezer Bacon was sorely wounded and afterward petitioned for aid and received it from the general court of Massachusetts. Nine years afterward John Spafford sent him a bill for his board while he was recovering from his wounds, forty shillings of lawful money. The Indians were beaten off, leaving some blankets, coats and guns, five of their number having been killed. Obadiah Sartwell was taken prisoner by them.

Soon after Captain Ephraim Brown of Sudbury was sent to Number 4 to reinforce Capt. Phinehas Stevens. On the nineteenth of June, with about fifty men, they went out to the meadow to look after the horses of the troopers, that had been turned out to graze. Dogs warned them of Indians near and they discovered an ambush of one hundred and fifty. This time the Indians were surprised and received the first fire. Soon they withdrew to a swamp, carrying several of their dead or wounded. They lost blankets, guns, etc., to the value of forty pounds, and the whitemen were elated at capturing so great spoils from such a beggarly company. The troops returned to the fort without further pursuit. Jedediah Winchell was mortally wounded and died soon after. Jonathan Stanhope, David Parker and Noah Heaton were wounded but recovered.

Five days later an attack was made on Bridgman's garrison, near Fort Dummer, and William Robbins and James Baker or Barker were killed in a meadow. Michael Gilson and Patrick Ray were wounded, and Daniel How Jr., and John Beaman were captured. One Indian was killed. On the third of July

a party of twelve Indians ambushed Colonel Hinsdale's lane below his mill. Colonel Willard with a team and guard of twenty men went over from Fort Dummer to get a grist. He detected the ambush, set the mill running and then made a dash upon the Indians who were hid thirty rods below. The Indians fired and Moses Wright lost two of his fingers. That was the only damage done. It is surprising how companies of troopers and Indians would shoot at each other for hours, and only a few would be hit. Old flint-lock muskets were not very effective. The Indians lost their packs in this engagement, worth more to them than a number of lives. This must be said, however, that the Indians invariably looked after their killed and wounded to the best of their ability. They also looked after the scalps of the whitemen who were killed and wounded. The spoils of war and the love of fighting were their reward, and they usually had something to remember revengefully.

On the third of August the Indians renewed their attack upon Number 4 fort, in large numbers. Their presence was first indicated by the barking of dogs. Captain Stevens sent out a scout to ascertain whether his surmises were correct. The men had scarcely left the fort, when the Indians fired upon them and killed Ebenezer Phillips. He was so near the gate that at night a soldier crept out, fastened a rope to his body and drew him into the fort. The Indians tried for two days to set fire to the fort or compel its surrender. They killed horses of the troopers and all the cattle of the settlers, burned the mill, which had been rebuilt, and all the houses save one near the fort. Then they withdrew again out of sight and reach. As soon as the news reached Boston, the governor ordered Captain Ephraim Brown and Captain Winchester "to go with their troops to No. 4, and carry as great a quantity of provisions as they conveniently can, and relieve the garrison and hold the place; and upon their return in the fall they are to guard off as many of the women and children as may conveniently leave the place." In January, 1747, the fort at Number 4 was deserted. This was simply an invitation to the Indians to go further south on their expeditions. An attempt was made to burn Shattuck's fort, in Hinsdale, wither four families had fled, and Benjamin Wright

was slain at Northfield, while driving home the cows at evening. An attempt was made to train dogs and thus track the Indians, but proving of little service they were otherwise disposed of.

Early in the spring of 1747 Captain Phinehas Stevens, in answer to his own petition, was ordered to march with thirty men to Number 4 and reoccupy the fort. He found it in good condition and the dog and cat gave him a hearty welcome. Within a few days the enemy reappeared, having come down the Otter river from Crown Point, their usual line of travel. Stevens had asked for a force of one hundred men, that he might go up the river and meet them by surprise before their arrival at the settlements. The celebrated fight that occurred at the fort is best told in his report to Governor Shipley, dated April 9th, 1747.

"Our dogs being very much disturbed, which gave us reason to think that the enemy were about, occasioned us not to open the gate at the usual time; but one of our men, being desirous to know the certainty, ventured out privately to set on the dogs, about nine o'clock in the morning; and went about twenty rods from the fort firing off his gun and saying, Choboy, to the dogs. Whereupon the enemy, being within a few rods, immediately arose from behind a log and fired; but through the goodness of God the man got into the fort with only a slight wound. The enemy being then discovered immediately arose from their ambushments and attacked us on all sides. The wind being very high, and everything exceedingly dry, they set fire to all the old fences, and also to a log-house about forty rods distant from the fort to the windward; so that within a few minutes we were entirely surrounded with fire—all which was performed with the most hideous shouting and firing from all quarters, which they continued in a very terrible manner, until the next day at ten o'clock at night, without intermission; during which time we had no opportunity to eat or sleep. But notwithstanding all their shouting and threatenings, our men seemed not to be in the least daunted, but fought with great resolution; which, doubtless, gave the enemy to think we had determined to stand it out to the last degree. The enemy had provided themselves with a sort of fortification, which they had determined to push before them and bring fuel to the side

of the fort, in order to burn it down. But instead of performing what they threatened and seemed to be immediately going to undertake, they called to us and desired a cessation of arms until sunrise the next morning, which was granted; at which time they would come to a parley. Accordingly the French General Debeline came with about sixty of his men, with a flag of truce, and stuck it down within about twenty rods of the fort in plain sight of the same, and said if we would send three men to him he would send as many to us, to which we complied. The General sent in a French lieutenant with a French soldier and an Indian.

Upon our men going to the Monsieur he made the following proposals; viz.—that in case we would immediately resign up the fort, we should all have our lives and liberty to put on all the clothes we had, and also to take a sufficient quantity of provisions to carry us to Montreal, and bind up our provisions and blankets, lay down our arms and march out of the fort.

Upon our men returning, he desired that the Captain of the fort would meet him half way and give an answer to the above proposal, which I did; and upon meeting the Monsieur he did not wait for me to give an answer, but went on in the following manner; viz.—that what had been promised he was ready to perform; but upon refusal he would immediately set the fort on fire and run over the top; for he had seven hundred men with him; and if we made any further resistance, or should happen to kill one Indian, we might expect all to be put to the sword. 'The fort,' said he, 'I am resolved to have, or die. Now do what you please; for I am as easy to have you fight as to give up.' I told the General, that in case of extremity his proposal would do; but in as much as I was sent here by my master, the Captain General, to defend this fort, it would not be consistent with my orders to give it up unless I was better satisfied that he was able to perform what he had threatened; and, furthermore, I told him that it was poor encouragement to resign into the hands of the enemy, that upon one of their number being killed they would put all to the sword, when it was probable that we had killed some of them already. 'Well,' said he, 'go into the fort, and see whether your men dare fight any more or not, and give me an answer quick, for my men want to be fighting.'

Whereupon I came into the fort and called all the men together and informed them what the French General had said, and then put it to vote which they chose, either to fight on or resign; and they voted to a man to stand it out as long as they had life. Upon this I returned the answer that we were determined to fight it out. Upon which they gave a shout and then fired, and so continued firing and shouting until daylight the next morning.

About noon they called to us and said, 'Good Morning,' and desired a cessation of arms for two hours that they might come to a parley; which was granted. The General did not come himself but sent two Indians, who came within about eight rods of the fort and stuck down their flag and desired that I would send out two men to them, which I did, and the Indians made the following proposal, viz.—That in case we would sell them provisions, they would leave and not fight any more; and desired my answer, which was, that selling them provisions for money was contrary to the laws of nations; but if they would send in a captive for every five bushels of corn, I would supply them. Upon the Indians returning the General this answer four or five guns were fired against the fort, and they withdrew, as we supposed, for we heard no more of them.

In all this time we had scarce opportunity to eat or sleep. The cessation of arms gave us no matter of rest, for we suspected they did it to obtain an advantage against us. I believe men were never known to hold out with better resolution, for they did not seem to sit or lie still one moment. There were but thirty men in the fort, and although we had some thousands of guns fired at us, there were but two men slightly wounded, viz. John Brown and Joseph Ely.

By the above account you may form some idea of the distressed circumstances we were under, to have such an army of starved creatures around us, whose necessity obliged them to be the more earnest. They seemed every minute as if they were going to swallow us up; using all the threatening language they could invent, with shouting and firing, as if the heavens and the earth were coming together.

But notwithstanding all this our courage held out to the last. We were informed by the French that came into the fort,

that our captives were removed from Quebec to Montreal; which, they say, are about three hundred in number, by reason of sickness which is at Quebec, and that they were well and in good health, except three who were left sick, and that about three captives had died who were said to be Dutchmen. They also informed us that John Norton had liberty to preach to the captives, and that they have some thousands of French and Indians out and coming against our frontier."

The news of this gallant defense was received everywhere with great joy. Commodore Sir Charles Knowles presented a valuable sword to Captain Phineas Stevens as a reward for his brave conduct, and from this circumstance the town, when it was incorporated, was called Charlestown.

The Indians divided into small parties and harassed the towns south of Number 4. On the fourteenth of November, as twelve men were passing from the fort down the river, they were surprised by a party of Indians, who killed and scalped Nathan Gould and Thomas Goodale. Oliver Avery was wounded and John Henderson was wounded in the head and arm and carried to Canada, nearly starved and shamefully treated. He got back to Boston, however, about a year later.

One hundred men were stationed at Number 4 during the following winter, under command of Captain Stevens. Captain Humphrey Hobbs was second in command. Eight men went out sixty rods from the fort to get wood. Ten Indians sculking about ran to attack them, killing Charles Stevens, wounding one Andreas and taking Eleazer Priest captive. The Indians had snow shoes, and the soldiers at the fort had none, and so pursuit was not possible.

About this time Upper Ashuelot, Lower Ashuelot and Winchester were abandoned by their inhabitants for a period of four or five years. A party of Indians visited Upper Ashuelot after the inhabitants had fled and burned twenty-seven houses, the fort, the meeting house and many barns. Only four houses and a mill were left in the town. All the live stock that could not be driven away were killed. It had long been impossible to till the fields with safety. Provisions were getting scarce. The people buried some valuables, carried away what they could and left the rest to be destroyed by the Indians, who promptly

did their work. The men joined the garrison at Fort Dummer, and the women and children found protection in lower towns.

To relate in detail all the incidents of these Indian raids upon the Connecticut valley would be wearisome. One incident is worthy of mention. A French officer, named Raimbault, was shot at Winchester and left for dead by friend and foe. He revived and after wandering about five days in a half starved condition surrendered himself, by accident, to Captain Ebenezer Alexander, the very man who had shot him. His wounds were dressed and he was sent as a prisoner of war to Boston. Soon afterward it was arranged that he should be exchanged for two prisoners in Canada, one of whom was the Nathan Blake already mentioned. Blake had shown such prowess and strength that he had been put in the place of the chief who had died, and a dusky squaw claimed him as her husband. He escaped and went to prison in Quebec, whence he was exchanged and returned to his family. The next year the Frenchman, Raimbault, led another company of Indians against the settlement and returned with five scalps.

October 22, Bridgman's fort, house and barn were burned, and Jonathan Sartwell was taken prisoner. Three men belonging to Hinsdale's fort were killed, Nathan French, Joseph Richardson and John Frost. Seven were captured. Four escaped across the river to Fort Dummer, one of whom was wounded. Of the seven captured William Bickford was killed the first night. The others were stripped of most of their clothing and driven to Canada. Four of them were made to "run the gauntlet" and otherwise mistreated. They reached home in the fall, greatly emaciated from abuse and starvation, and Benjamin Osgood died a few weeks later.

It was determined to carry the war into the enemy's country, but with insufficient forces. Captain Eleazer Melvin started from Fort Dummer and was joined at Number 4 by the companies of Captain Stevens and Hobbs. They followed the Indian trail along Black river and Otter creek. The party divided into two small squads, and Captain Stevens scouted to the eastward till he struck the Connecticut river and returned to Fort Dummer without meeting the enemy. Captain Melvin proceeded to Crown Point, whence he was obliged to beat a

hasty retreat. At West river his men were surprised by shots from behind a log only twenty or thirty feet from the place where they had halted to take refreshments. No one was hurt at the first discharge. Melvin's men were obliged to scatter and make their way back to Fort Dummer as best each one could. Melvin and a dozen more got there in safety. Six had been killed outright and scalped. They were Sergeants John Heywood and Isaac Taylor, and privates John Dodd, Daniel Mann, Samuel Severance and Joseph Petty.

The later scouting party from Number 4, commanded by Captain Hobbs, was more successful. On the twenty-sixth of June, 1748, with a party of forty soldiers, he met the enemy about twelve miles northwest of Fort Dummer, in what is now the town of Marlborough, Vermont, and, while they were eating, a large number of Indians, commanded by the half-breed, Sackett, a courageous and dangerous leader, attacked them. Hobbs and his men, each sheltered by a tree, stood their ground for four hours in a battle with muskets at close range. The Indians outnumbered the white men four to one, and rushed on with their usual yells and tumult, but a little experience cautioned them to keep behind shelter, for those who appeared in the open quickly went down under unerring fire. Sackett and Hobbs had known each other in time of peace, and Sackett kept calling out in a loud voice to Hobbs to surrender or all his men would be killed, to which Hobbs replied in words of defiance. Sackett was wounded and then the Indians retired, carrying off their dead and wounded. Hobbs lost three killed and four wounded. Samuel Gunn and Ebenezer Mitchell, killed, and Ralph Rice, wounded, were from Ashuelot. Daniel McKenny had his thigh broken and was disabled for life.

On the fourteenth of July Sergeant Thomas Taylor was leading a squad of sixteen recruits along the east side of the river, in what is now Hinsdale, when he was suddenly assailed by overwhelming numbers of Indians in ambush. Two Indians and two whitemen were killed and Taylor with ten of his men was taken away to Canada, by forced marches of twenty miles a day. Reinforcements attempted to pursue but soon gave up the chase. The prisoners were sold in Canada for more money

than their scalps were worth, and after a few months, peace having been concluded, returned to their homes.⁹

Turning to the northern frontier of the province we shall see that Hopkinton, Contoocook and Rumford suffered heavily from the same wily foe. To guard scattered and far separated houses from surprises was impossible, and even when families were assembled in garrisons, there seems to have been great negligence in the use of sentinels. The enemy almost always fell upon the settlers at some unexpected moment. On the morning of April 22, 1746, in Hopkinton, eight persons were captured by Indians at Woodwell's garrison, viz., Daniel Woodwell, Mrs. Woodwell, their daughter Mary, sons Benjamin and Thomas, Samuel Burbank and his sons, Caleb and Jonathan. In the early morning a man had gone from the garrison to the stockade, leaving the garrison door open. The lurking Indians rushed in and surprised the inmates. One soldier escaped. Mrs. Samuel Burbank concealed herself under an upright barrel in the cellar. Mrs. Woodwell had a struggle with an Indian, from whom she wrested a long knife and threw it into the well. Mary Woodwell, aged sixteen, resisted and was aided by an Indian who had received some kindness from her father. The family were taken by St. Francis Indians to Canada, being twelve days on the march. They had only one meal a day, at evening, when they rested, cooked and ate. Their food was mainly meat, and once they were obliged to eat a dog, but May Woodwell would not touch it, and the friendly Indian shot a woodpecker for her. Mary was sold to an Indian squaw, who valued her so highly after a captivity of three years, that when there was talk of ransom the squaw wanted Mary's weight in silver. A physician helped to secure her release by a stratagem. He told the squaw that Mary was sick and was likely to die, in which case she would get nothing. Thus the squaw was persuaded to part

⁹ In the above condensed account of the fighting in the Connecticut valley no account has been given of conflicts in adjoining Massachusetts territory. The narrative of Dr. Belknap has been supplemented by that of the histories of Northfield, Keene and Charlestown. The fighting was all done by Massachusetts troops and men of the towns above mentioned. No New Hampshire troops were sent from the east to help their newly acquired fellow citizens, so far as has been learned, although twenty men had been voted as a garrison to Fort Dummer. The defense of this region was a military necessity to Massachusetts, and New Hampshire had all the fighting she could attend to elsewhere.

with the captive, who had hoed her corn and done her drudgery, for the paltry sum of \$18.50. She returned to friends in Hopkinton, Massachusetts. She was twice married and died among the Shakers at Canterbury, in October, 1829, in the one hundredth year of her age. Jonathan Burbank was left in an Indian family. The other six captives were taken to Quebec, where Samuel Burbank and Mrs. Woodwell died of yellow fever, while in prison. The other captives eventually secured release.

Another attack was made at Contoocook, now Boscawen. Josiah Bishop was surprised while working in the field, and was taken to the woods. He resisted bravely, evidently preferring death to captivity. As a result of his outcries he was killed by tomahawks. Families took refuge in garrisons. Captain Clough's garrison, in the neighboring town of Canterbury, was a shelter for some. Among his soldiers was the well known Indian, Cristo, whose wigwam once stood on the east side of the Merrimack, a short distance below the falls at Amoskeag, now Manchester. His allegiance could not be safely counted on, and sometimes he fought with the whitemen and sometimes with the St. Francis Indians. He was paid for service as a scout. Thomas Cook, a colored man, was slain at Contoocook, and Elisha Jones was taken to Canada, where he died.

Nearly a score of petitions for help were sent to the general assembly, among them being one from Rumford, now Concord, presented by Colonel Benjamin Rolfe. He thought forty soldiers were needed for the defense of that town and two hundred and fifty were needed to protect the whole frontier between the Connecticut and Merrimack rivers. Other towns, even to Gosport, were equally clamorous. Probably the French fleet was feared at the Isles of Shoals, and the landsmen of New Hampshire were supposed to be able to drive them away or sink them. It was impossible to find men and means to calm the fears of all the petitioners. Only fifteen men could be spared for Rumford and Canterbury, commanded by Colonel Benjamin Rolfe and Captain Jeremiah Clough. Massachusetts also sent small detachments of men from Andover and Billerica, to help defend Rumford in 1745. All the inhabitants were quartered in garrisons, and recently placed markers point out the spots where

anxious people flocked together for mutual protection and hourly watched and listened for assaults of the lurking foe. One may see the historic sites along the main street of Concord, reminders of the perils and anxieties, as well as fortitude and heroism, of the forefathers and great-grandmothers. The Rev. Timothy Walker is said to have had the best gun in the community and he always took it into the pulpit with him. The head of each family sat at the end of the pew nearest the aisle, with gun within easy reach. The laborers in the field were guarded by the sentinels. In spite of all precautions the Indians in large bands nearly always managed to conceal themselves in swamps and thickets during the day and to make their attacks in unexpected places and moments. On the eleventh of August, 1746, Lieutenant Jonathan Bradley took six of the men of Captain Ladd, who had come up from Exeter, together with Obediah Peters of Captain Melvin's company from Massachusetts, and went toward a garrison two miles and a half westerly of the present city of Concord. At a spot about half way between the city and St. Paul's school, that now is well known, they were fired upon by thirty or forty ambushed Indians. Five were killed, Lieutenant Jonathan Bradley, Samuel Bradley, John Lufkin, John Bean and Obadiah Peters. They were stripped and scalped and left mangled by the roadside. Alexander Roberts and William Stickney were captured. Daniel Gilman made his escape and alarmed the town. It is thought that four or five Indians were killed. Lieutenant Bradley disdained to surrender, and the history of his ancestors in Haverhill, Massachusetts, had taught him that death was preferable to captivity. He fought till he was dreadfully hacked by tomahawks. Their bodies were removed in an ox-cart to the Osgood garrison, where there was great lamentation. As usual pursit of the fleeing enemy was unavailing. After one year's captivity William Stickney managed to escape, but was, as some think, accidentally drowned before he reached home. Alexander Roberts made his escape from captivity after one year and returned to Rumford. He shared with others a bounty of seventy-five pounds for killing an Indian, a portion of whose skull was shown for proof. The other sharers were the heirs of the persons slain. A monument has been erected, in 1837, by Richard Bradley, grandson of the

Samuel Bradley slain, to commemorate the massacre. It stands near the spot where they were killed and tells a pathetic story to all who pass by, helping us to realize a little better how much our present safety and privileges have cost in the sufferings of others.

A party of Indians came down as far as Rochester and fell upon five men at work in a field. After one Indian had drawn their fire, the rest rushed upon them with shoutings and whoopings. The men fled to a deserted house and fastened the door. The Indians tore off the roof and before the pursued could reload their guns they were shot and tomahawked. The slain were Joseph Heard, Joseph Richards, John Wentworth and Gershom Downs. They wounded and captured John Richards and also took a boy twelve years of age, named Jonathan Door, as he sat on a fence singing a song. Door lived with the Indians many years. One narrative says that he married and had children among the Indians, that he fought with them against the whites, that his wife and children were killed in the massacre of the St. Francis tribe, and that afterward he returned and married in Rochester. John Richards was healed of his wound and after eighteen months returned to Boston under a flag of truce. About this time Moses Roberts was mistaken for an Indian and shot by another sentinel, as he was creeping through the woods. In May 1747 the Indians again visited Rochester and killed the wife of Jonathan Hodgdon, as she was going to milk her cows. Her husband attempted to rescue her, but his gun missed fire and he was obliged to flee. At Nottingham Robert Beard, John Folsom and Elizabeth Simpson were slain. The whole frontier felt in continual danger, though the principal depredations were in the valleys of the Connecticut and Merrimack rivers.

Belknap has called attention to the asserted fact that in this war there was less cruelty practiced by the Indians. The captives were kindly treated, and there were no instances of torture. The Indians even assisted the wounded and shared their food with their prisoners in times of scarcity of provisions. This was true in general, although in special cases men were forced to run the gauntlet and were shamefully treated. A live captive brought to the Indians more money than a scalp, and so they

killed and scalped only those who would not surrender or could not keep up on the march. One instance of Indian nobility has been often narrated. "An Indian had surprised a man at Ashuelot. The man asked for quarter, and it was granted. Whilst the Indian was preparing to bind him, he seized the Indian's gun and shot him in one arm. The Indian, however, secured him; but took no other revenge than, with a kick, to say, 'You dog, how could you treat me so?' The gentleman from whom this information came has frequently heard the story both from the captive and the captor. The latter related it as an instance of English perfidy; the former of Indian lenity." It is feared that this story has gained much by repeated narrations. The captured man would hardly tell it in this manner, and Indian narratives are not always to be accepted at face value. There are so many instances of deliberate and cold-blooded murder of women and children and so many acts of treachery on the part of the Indians in all their wars, that an exceptional case like this narrated needs to be treated with caution.

The French and Indians had a great advantage in carrying the war into the enemy's country. Stealthily they chose the unguarded house or the feeble garrison and in much larger numbers killed, captured and burned. Having taken a few captives and what spoil they could carry, they at once hastened back to Canada before they could be overtaken, to return again as soon as fears of the settlers had subsided. The English were at great expense, accomplished little, lacked leadership and concerted effort, and suffered severely; the Indians were crafty in themselves and had able French officers to plan their incursions. The spoils they took and the ransom received for their captives paid the expenses of the war on their part. Few Indians were killed, and the war of four years was a pastime to them. Only six years after the treaty of Aix-la-Chapelle, confirmed by a treaty with the Indians at old Falmouth, on Casco Bay, the Indians were quite ready to dig up the tomahawks and return to their sport of ambushing defenseless workers, burning unguarded houses and dragging to Canada as many men, women and children as they could force to keep up with them on a hurried march. It was not war; it was murder and robbery.

Chapter XVII

TOWNS GRANTED
BY THE MASONIAN PROPRIETORS

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Early Grants of Massachusetts — The Monadnock Towns — Conditions of all the Grants — Mason — New Ipswich — Rindge — Fitzwilliam — Wilton — Jaffrey — Marlborough — Dublin — Nelson — Stoddard — Gilsum — Peterborough — Lyndeborough — Amherst — Bedford — Goffstown — New Boston — Dunbarton — Weare — The Bow Controversy — Rumford becomes Concord — Hopkinton — Henniker — Hillsborough — Washington — Warner — Bradford — Newbury — Sutton — New London — Salisbury — Andover — Hill — Alexandria — Sanbornton — Meredith — Tuftonborough — New Durham — Middleton — Wakefield — Effingham — Privations and Character of the Settlers.

IT may rest the imagination, wearied with tales of blood and fears, to pause between the two French and Indian wars and pass in brief review the new townships granted during the first part of Governor Benning Wentworth's administration. Massachusetts had granted about thirty townships in New Hampshire before the settlement of the boundary line. After the Masonian proprietors had bought the claim of John Tufton Mason, they hastened to regrant and in many cases to rename these towns, although their incorporation followed some years later. But few settlers had come in, and during the first French and Indian war many of the settlers were frightened away. As soon as peace returned, they or their assigns came back to claim the lands partly cleared and to reoccupy the log cabins, if they remained unburned. Thus a great company of settlers moved gradually up the Merrimack valley from the old towns of Massachusetts, especially from Essex County, which before the settlement of the line was made to include territory as far north as Boscawen. Along the Connecticut River, not claimed by the Masonian proprietors, settlers came up from middle Massachusetts and from Connecticut, pushing further on with every generation to seize the fertile lowlands along the rivers and streams. On the northern frontier and around lake Winnepiseogee the settlers came from the old towns

of New Hampshire and some from Kittery and Berwick. Londonderry kept receiving and sending forth settlers from the North of Ireland, as sturdy Scotchmen as ever breathed the "winds frae off Ben Lomond."

There was a circle of towns about mount Monadnock, that took their first names from the mountain. Other towns were granted by Massachusetts to the heirs of those who had taken part in the expedition to Canada in 1690. Petitions came in to the Masonian proprietors and to the governor and council from all directions. Groups of men in Massachusetts and in New Hampshire put in claims for unoccupied land as a mere speculation, often not pretending to settle such lands, but to sell to others. Hence the grantees give little clue as to who first settled the towns. As has been said before, the Masonian proprietors reserved two or three hundred acres apiece for themselves, in some cases a quarter of the township, which were not to be taxed till improved. Thus the whole burden of building roads, mills and a meeting house came upon the few first settlers. All pines fit for masts were, in every grant, reserved for the royal navy, and there was a nominal quit rent, if ever demanded. This legally made the settlers tenants of the king, and to him they owed allegiance.

The subject may perhaps be made clearer by beginning at the southern boundary line and mentioning the new towns, tier by tier, proceeding north. The town of Mason was granted by the Masonian proprietors, November 1, 1749. It had been previously known as number one and was settled by people from Massachusetts. It was named for Captain John Mason. The inhabitants voted to call the town Sharon, but their wish was overruled. It was incorporated August 26, 1768. The northern part was set off and incorporated as the town of Greenville June 28, 1872.

New Ipswich was granted, April 17, 1750. by the Masonian proprietors. It had been previously granted by Massachusetts, January 15, 1735-6, to a company of men from Ipswich, Massachusetts, and originally was called Ipswich-Canada. It was incorporated as Ipswich, September 9, 1762, and as New Ipswich, March 6, 1766. The first settlers, living there in 1750, were Reuben Kidder. Archibald White, Jonas Woolson. Abijah Fos-

ter, John Brown, Benjamin Hoar, Jr., Timothy Heald, Joseph Kidder, Joseph Bullard, Ebenezer Bullard, Joseph Stevens, and John Chandler. The first or second cotton mill in New Hampshire was erected in New Ipswich. The town sent sixty men to the battle of Bunker Hill.

Rindge was granted by Massachusetts, February 3, 1736-7, to certain inhabitants of Rowley, Massachusetts, that were in the Canada expedition, and hence it was called Rowley-Canada. It was known also as Monadnock Number 1 or South Monadnock. It was regranted by the Masonian proprietors, February 14, 1749-50, and incorporated as Rindge, February 11, 1768, named in honor of Daniel Rindge of Portsmouth. Among the first settlers were John Hale of Boxford, Massachusetts, Richard Peabody, Jonathan Stanley. George Hewetts and Abel Platts. Among the prominent men in its history have been Colonels Enoch Hale and Nathan Hale, brothers, Rev. Edward Payson and Hon. Marshall P. Wilder.

Fitzwilliam, or Monadnock Number 4, was granted by the Masonian proprietors, January 15, 1752, to Roland Cotton, Matthew Thornton and others, many of whom were from Dunstable. The conditions were not fulfilled, and so it was regranted, May 2, 1765, to Colonel Sampson Stoddard, Edmund Grouard, Jacob Treadwell, Jr., Jonathan Lovewell and nineteen others. It was sometimes called Stoddard's Town. Among the first settlers were Brigadier General James Reed, John Fassett and Benjamin Bigelow. It was incorporated May 19, 1773. A portion of this town was included within the limits of Troy, which was incorporated June 23, 1815.

Wilton was granted by the Masonian proprietors, as Number 2, October 1, 1749, to Thomas Reed and others, many of them from Newbury, Massachusetts. It was incorporated as Wilton, June 25, 1762, and reincorporated January 2, 1765. The first settlers came from Danvers, Massachusetts. It is beautifully situated among the hills, on the Souhegan river, which supplies, with uniting streams, a considerable water power for varied manufacturies. The oldest part of the town is on elevated land, affording beautiful views for many miles around. There are some fine summer residences. The Unitarian and Baptist churches here look lonely, but the many horse sheds,

still kept in repair, indicate that a large farming population keep up the old New England habit of going to church. West Wilton is a gem of a village, and the residences betoken considerable wealth. There are too many churches for the present population of the town, but this is true of the majority of towns in New England.

Jaffrey was granted by the Masonian proprietors, November 30, 1749, to Jonathan Hubbard and others. It was known as Monadnock Number 2, or Middle Monadnock. The grant was renewed March 13, 1767, and the town was incorporated as Jaffrey, August 17, 1773, in honor of George Jaffrey of Portsmouth, one of the governor's council and of the Masonian proprietors. John Grant and John Davidson made the first settlements about 1758. The old Congregational church is still standing at the Center, used for a long time as the Town Hall. Several large summer hotels are in this vicinity, and they are a very popular place of resort, even in winter. East Jaffrey, as a manufacturing town, on the Contoocook river, is now the center of population and industry, a beautiful village with four churches and two banks. From every hill-top there is fine mountain scenery.

Marlborough was granted by the Masonian proprietors as Monadnock Number 5 to James Morrison and others, most of whom appear to have been of old Londonberry, May 20, 1752. It contained twenty thousand acres. Many of the settlers came from Marlborough, Massachusetts. The first settlers were William Barker, Abel Woodward, Benjamin Tucker and Daniel Goodenough. Colonel Andrew Colburn, killed in the Revolution, was of this town. It was incorporated December 13, 1776. A portion of the town, with other territory, was incorporated as Roxbury, December 9, 1812. Another portion helped to form Troy.

Dublin was granted by the same proprietors as the above towns, November 3, 1749. It was known as Monadnock Number 3, or North Monadnock. Among the grantees appear the names of Matthew Thornton and Colonel Sampson Stoddard, and they appear among the grantees of several other towns, showing that they were getting land wherever they could, the cost being very little and the hope great. The town was in-

incorporated as Dublin, March 29, 1771, and named for Dublin, Ireland. This town has become the place of summer residence of many wealthy people.

Nelson was granted by the Masonian proprietors as Monadnock Number 6, May 10, 1752 to John Hutchinson and others. The grant was renewed September 30, 1767 and again February 23, 1774. It was incorporated as Packersfield, February 22, 1774, and named on honor of Thomas Packer of Portsmouth. The name of the town was changed to Nelson June 14, 1814. The first settlement was made by Breed Batchelder and Dr. Nathaniel Breed, in 1767. The southern part of the town, together with the northern part of Dublin, made up the town of Harrisville, in 1870.

Stoddard was granted by the Masonian proprietors, May 10, 1752, to Colonel Sampson Stoddard and others. It was known as Monadnock Number 7 and Limerick. It was re-granted November 4, 1767, and incorporated as Stoddard November 4, 1774. The first settlers were John Taggard, Reuben Walton, Alexander Scott, and James Mitchell, in 1769.

Gilsum was granted December 28, 1752, to Joseph Osgood and others and was known as Boyle. It was regranted July 13, 1763 to Samuel Gilbert, Thomas Sumner and others, and named Gilsum by combining the first syllables of the two surnames, Gilbert and Sumner. The west part of the town was combined with a portion of Westmoreland to make up the town of Surry, March 9, 1769. The southeast part, with parts of Keene, Stoddard, and Nelson made the town of Sullivan, September 27, 1787. The first settlers were Josiah Kilburn, Peltiah Pease, Obadiah Wilcox, Ebenezer Dewey, and Jonathan Adams, in 1764.

Peterborough, formerly known as Souhegan, was granted by Massachusetts, January 16, 1737-8, to Samuel Hayward and others. It was purchased by four men, Jeremiah Gridley, John Vassel, Major John Fowles and John Hill, to whom the Masonian proprietors quitclaimed the land January 26, 1748, reserving to themselves thirty-four hundred acres, or about two hundred acres apiece, not taxable. At the beginning of the first French and Indian war it had about thirty families, many of whom left the town during the war. Before 1748 it had

mills and a meeting house. It was incorporated as Peterborough, January 17, 1760. The first settlers were of the Scotch-Irish colony, and their nearest mill was at Townsend, Massachusetts, twenty-five miles away. The water power has caused the development of a large manufacturing village, well served by two lines of railroad. From the easterly portion of what was known as "Peterborough Slip," was formed the town of Temple, incorporated August 26, 1768.

Lyndeborough, called first Salem-Canada, was granted by Massachusetts, June 19, 1735, to Captain Samuel King and others. It was granted by the Masonian proprietors, December 5, 1753, to Judge Benjamin Lynde, Jr., and others. It was incorporated April 23, 1764. Farming has always been the chief industry.

Amherst was granted as Narragansett Number 3, December 18, 1728, by Massachusetts, to the heirs of those who had served in the Narragansett war of 1675. Afterward it was called Souhegan West. The first settlers were Samuel Walton and Samuel Lampson, in 1734. The Masonian proprietors quitclaimed, December 1, 1759, to the owners of lots their right to the same for a consideration of fifty-four shillings for each share. The first settlers came from the old towns of Massachusetts. Among them were Rev. Daniel Wilkins, the first minister, ordained in 1736. Amherst is the birthplace of Horace Greeley. It was once the most important town in Hillsborough county and the seat of the courts, but is now overshadowed by Manchester and Nashua. It was incorporated January 18, 1760. A portion of the town was combined with a part of Hollis to make up the town of Milford, incorporated January 11, 1794. Mont Vernon was set off and incorporated December 15, 1803. Monson, that was incorporated April 1, 1746, a part of old Dunstable, was divided between Amherst and Hollis, July 4, 1770, and then ceased to exist as a separate town.

Bedford was granted by Massachusetts to Narragansett soldiers and heirs February 12, 1733-4, and was called Narragansett Number 5, and also Souhegan East. The first settlers were Robert and James Walker, in 1737. Many of the settlers came from North Ireland and were Scotch Presbyterians. Colonel John Goffe, Matthew Patten and Samuel Patten came

in 1738. The Masonian proprietors confirmed the grant of the town, November 9, 1748, and it was incorporated as Bedford, May 19, 1750, named for the Duke of Bedford. A portion of this town was annexed to Manchester, July 1, 1853.

Goffstown, next north of Bedford, was granted by Massachusetts as Narragansett Number 4, February 9, 1733-4. It was also called Shove's Town. The Masonian proprietors regranted the town to Thomas Parker of Dracut and others, December 3, 1748. It was incorporated as Goffstown, June 16, 1761, and named in honor of Colonel John Goffe. Parts have been set off to form Hooksett and Manchester. The grantees were from Chelmsford, Souhegan East, Haverhill, Massachusetts, Londonderry, and Brookline, and many Scotch names appear.

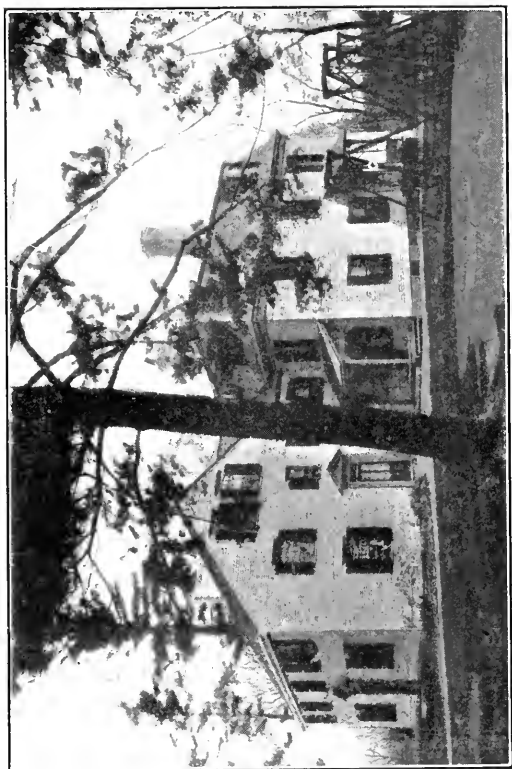
New Boston was granted by Massachusetts, January 14, 1735-6, to John Simpson and others, mainly inhabitants of Boston. It was sometimes called Lane's Town and Boston Piscataquog Township. It was granted by the Masonian proprietors, June 10, 1751, to Job Lewis and others, and was incorporated as New Boston, February 18, 1763.

Dunbarton was granted by Massachusetts, June 19, 1735, to Captain John Gorham's men and was called Gorham-town. It was granted by the Masonian proprietors, December 18, 1748, to Archibald Stark and others, chiefly of the Scotch-Irish emigrants, and was regranted, March 2, 1752. It was then known as Stark's Town. It was incorporated as Dunbarton, August 10, 1765, named for a town in Scotland. A portion of this town helped to form Hooksett in 1822. The first settlers about 1739, were James Rogers and six sons and Joseph Pudney and six sons, who together owned two thousand one hundred and ninety acres. In 1747 the Indians burned their houses and barns, cut down their orchards and killed their cattle. Other early settlers were Thomas Colburn, Benjamin Gould and Jonathan Parkhurst.

Weare was granted by Massachusetts, June 19, 1735, to Robert Hale for Captain John Raymond's men and was called Beverly-Canada, and also Hale's Town. It was granted by the Masonian proprietors, September 20, 1749, to Ichabod Robie and others, many of whom were from Hampton. It was incorporated as Weare, September 21, 1764, and named for Hon.

Meshech Weare. Some of the first settlers were Nathaniel Martin, John Jewell, Thomas Worthley, John Marsh, Stephen George, Caleb Emery, Moses, William and Aaron Quimby, and Timothy Corliss. The last was from Haverhill, Mass.

Mention has been previously made of how Penacook or Rumford was granted by Massachusetts, and Bow by New Hampshire about the same time, both grants covering much of the same territory. This caused a long dispute about the ownership of land by the first settlers, called the Bow Controversy. Bow took in the larger parts of Penacook and Suncook and extended into Hopkinton. The grantees were the leading men in Portsmouth, many of them high in office. It was a test case as to the ownership of land, before the boundary line was settled. Benjamin Rolfe presented a petition to the general assembly of New Hampshire, January 24, 1749, for the incorporation of Rumford according to its original bounds. A counter petition for the incorporation of Bow was presented by the selectmen of that town, February 7, 1749-50. A suit was begun against Deacon John Merrill by the proprietors of Bow, with the intent to eject him from eight acres of land. The proprietors of Rumford took up the case as a test and defended the right of Merrill to land he had cultivated. The sale of common land met the expenses of the trial. In 1760 sundry proprietors contributed fifteen pounds apiece, afterwards recovered, and in 1766 it was voted to raise four hundred pounds to defend their rights. The Rev. Timothy Walker went to England in 1753 to lay the case of the Rumford proprietors before the king in council. His petition states that the king had declared that the question of jurisdiction should not affect the rights of owners of private property; also that the petitioners could not obtain a fair trial in the courts of New Hampshire, because the governor and most of the council were proprietors of Bow and that they appointed the judges and the officers to impanel a jury. Mr. Walker visited England a second and a third time and had for his counselor Sir William Murray, later Lord Mansfield, chief justice of the King's Bench. The decision was that the actual settler and possessor has as good a title under a grant from Massachusetts as under a grant from New Hampshire. Thus the decisions



Rolfe and Rumford Home, Second Oldest House in Concord, N. H.

of courts in New Hampshire were reversed and lands in Rumford remained in the possession of those first settlers who had come up from Massachusetts. The Massachusetts government had contributed one hundred pounds to aid in the law suits, and New Hampshire voted another one hundred pounds to aid Bow. Thus the governor and council helped to tax the whole province to secure their rights to lands which they had granted to themselves in Bow, *alias* Rumford. The trouble was finally settled by the creation of the parish of Concord with town rights in 1765. It was hoped that the name was prophetic of harmony and peace.¹

Hopkinton, or Number 5 in the line of townships from the Merrimack to the Connecticut,² was granted by Massachusetts, January 16, 1735-6, to men from Hopkinton, Massachusetts, and hence the town was called New Hopkinton. It lies next west of Concord, on the Contoocook river, which affords excellent water power. The first settlement was on Putney hill, where traces of the old fort and cemetery may be seen. The town was granted by the Masonian proprietors, November 30, 1750, to Henry Mellen, Thomas Walker, Thomas Mellen, and such others as they shall admit as their associates. Among the first settlers were Aaron and Jeremiah Kimball. The village was once one of the most important in the State, and the legislature convened here in 1798, 1801, 1806 and 1807, and it was for some time undecided whether the capital of the State should be here or at Concord. The courts for Hillsborough county were alternately held here and at Amherst for forty years, till Merrimack county was formed, in 1823. It was incorporated as Hopkinton, January 11, 1765. A portion of Bow was annexed December 13, 1763. Hopkinton contains the flourishing village of Contoocook.

Henniker, or Number 6, was granted by Massachusetts, January 16, 1735-6, to John Whitman and others. Some of the grantees came from Stowe and Marlborough, Massachusetts,

¹ See Bouton's Hist. of Concord, pp. 203-226.

² January 15, 1735, the general court of Massachusetts ordered a survey of the lands between Merrimack and Connecticut rivers, from the northeast corner of Rumford, on the Merrimack, to the Great Falls on the Connecticut, at least twelve miles in breadth, and a committee of eleven men was chosen to lay out the land into townships of six miles square.

and hence it was sometimes called New Marlborough. It was granted by the Masonian proprietors, July 12, 1752, to Andrew Todd and more than fifty others from Londonderry. It was incorporated November 10, 1768, and named in honor of John Henniker, member of parliament. Among the first settlers were Eliakin Howe, Amos Gould, Thomas Stone, from Marlborough, Josiah Ward and Deacon Ebenezer Hartshorn. These came in 1763-4. The Rev. James Scales of Hopkinton built the first house in Henniker.

Hillsborough was Number 7 in the line of towns granted by Massachusetts, January 16, 1735-6. The first settlement was made in 1741 by James McCalley, Samuel Gibson, Robert McClure, James Lyon and others. The settlement was abandoned during the Indian war, from 1744, and resumed in 1755. The Masonian proprietors granted this town to Col. John Hill of Boston and others, January 26, 1748-9, and it was named in honor of Hill. The water power has given rise to varied manufactures, and several villages dot the town. Here lived Governor Benjamin Pierce, and his son, Franklin Pierce, fourteenth president of the United States, was born here. The town was incorporated November 14, 1772.

Washington was Number 8 in the above mentioned line of townships, granted by Massachusetts, January 16, 1735-6. It was granted by the Masonian proprietors, December 11, 1752, to Captain Peter Prescott and others from Concord and other Massachusetts towns, and a few of the grantees were of New Hampshire. It was called Monadnock Number 8, New Concord, and Camden, until it was incorporated, December 13, 1776, as Washington, named in honor of George Washington. The conditions of the grant having been unfilled, it was regranted, March 17, 1768, to Colonel Reuben Kidder who induced a company of men from Ipswich, Massachusetts, to settle by giving to each settler one hundred acres. The first minister was the Rev. George Leslie, installed in 1780.

Warner was Number 1 in the line of townships, granted at the same time as the above named towns to Thomas Stevens and others, many of whom were from Amesbury, Massachusetts. Hence it was first called New Amesbury, or Almsbury. It was granted by the Masonian proprietors, March 14, 1749-50,

to Richard Jenness and others from Rye, and hence was called Jenness-Town, or Rye-Town. It was regranted, December 24, 1767, to Jonathan Barnard, Increase Morrill and Ezekiel Evans, on behalf of the proprietors of the town. A road was cleared and a mill built before 1739. It was incorporated as Warner, September 3, 1774, named for Jonathan Warner of Portsmouth. The first settlers were Daniel Annis and his son-in-law, Reuben Kimball, in 1762. These came from Bradford, Massachusetts.

Bradford was in the line of townships above mentioned and was granted by Massachusetts, January 16, 1735-6. The date of its grant by the Masonian proprietors is not known; indeed in a petition of Matthew Thornton and Stephen Holland, in 1769, they say it was never granted. One of the first settlers was William Presbury. It was named New Bradford by settlers from Bradford, Massachusetts, and was incorporated as Bradford, September 27, 1787.

Newbury was granted by the Masonian proprietors, June 4, 1753, to James Minot, Jr., and others and was originally called Dantzic. The grant of Hereford, August 7, 1754, was afterward included within the limits of Newbury. The town was regranted, February 5, 1772, to John Fisher and was incorporated as Fishersfield, November 27, 1778. The name Newbury was adopted June 28, 1837, to take effect July 4, 1837. Tracts from this town have been severed and annexed to Goshen and Bradford. Zephaniah Clark was the first settler, in 1762.

Sutton was granted by the Masonian proprietors, November 30, 1749, to Obediah Perry and others, and called Perrystown. The grantees were from Haverhill and Newbury, Massachusetts. The charter was renewed, February 24, 1752, and again August 13, 1773. It was incorporated as Sutton, April 13, 1784, and named from Sutton, Massachusetts. Daniel Peaslee was the first settler, in 1767. Within four years from that date others had come in, viz., Ephraim Gile, Samuel Bean, Cornelius Bean, Jacob Davis and Thomas Cheney.

New London was granted by the Masonian proprietors, June 5, 1753, to William Symes and others, as Heidleburg. It was regranted as Alexandria Addition, July 7, 1773, to Jonas Minot and others. It was incorporated as New London, June 23, 1779, and named for London, England. Portions of Kearsage

Gore and Sunapee were afterwards annexed. James Lamb and Nathaniel Merrill were the first settlers.

Salisbury was granted by Massachusetts, February 3, 1736-7, and called Baker's Town. It was granted by the Masonian proprietors, October 25, 1749, to Ebenezer Stevens and others and called Stevens-Town. The grantees were mainly from Kingston. Stephen Chase built a saw-mill and a meeting house in 1743. It was incorporated as Salisbury, March 1, 1768. Portions of this town and of Andover, Northfield and Sanbornton were combined and incorporated as Franklin, December 24, 1828. Stevens-Town suffered from Indian depredations in the French and Indian war. Hon. Ebenezer Webster was one of the first settlers, and Daniel Webster was born here.

Andover was granted by the Masonian proprietors, November 20, 1751, to Edmund Brown and others, most of whom were from Hampton, Hampton Falls, Kensington and Kingston. It was named New Breton, because some of the grantees had taken part in the capture of that place. It is also called Brown's-Town and Emery's-Town. The charter was renewed, November 6, 1771, and it was incorporated as Andover, June 25, 1779. Joseph Fellows is said to have been the first settler, in 1761.

Hill was granted by the Masonian proprietors, September 14, 1753, to a company of men from Chester and was called New Chester; incorporated as such, November 20, 1778. Bridgewater was set off and incorporated February 12, 1788. Portions of Hill and Bradgewater were incorporated as Bristol, June 24, 1819. The name of the town was changed to Hill, January 14, 1837, in honor of Gov. Isaac Hill. The first settlers were Captain Cutting Favor and Carr Huse, in 1768.

Alexandria was granted by the Masonian proprietors, June 1, 1753, to Joseph Butterfield, Jr., and others. The charter was renewed, March 13, 1767. It was regranted to Jonas Minot and others, July 7, 1773. Danbury was set off and incorporated, June 18, 1795.

On the northern frontier, east of the Merrimack and stretching to the boundary of Maine, the Masonian proprietors granted a series of towns.

Sanbornton was granted December 31, 1748, to John Sanborn and others, twenty-three of whom were from Stratham,

nineteen from Exeter, and seventeen from Hampton. The first settlement was made in 1764, by Samuel Copp, Daniel Fifield, Samuel Sheppard, Andrew Rowen, David Dustin, and Moses and Thomas Danforth. The town was first called First Township. It was incorporated as Sanbornton, March 1, 1770. Sanbornton Bridge was set off and incorporated as Tilton, June 30, 1869.

Meredith was granted to Samuel Palmer and others from Hampton, Exeter and Stratham. It was called Palmer's-Town and New Salem, some of the settlers coming from Salem. It is also mentioned as Second Township. It was incorporated December 30, 1768. Laconia was set off and incorporated, July 14, 1855. Hon. Ebenezer Smith was one of the first settlers.

Tuftonborough was granted, December 11, 1750, to Captain John Tufton Mason and named for him. It was incorporated December 17, 1795. Several islands of Lake Winnepiseogee have been annexed to it. The first settlers were Benjamin Bean, Phinehas Graves and Joseph Peavey, in 1780.

New Durham was granted, May 5, 1749, to Jonathan Chesley and many others from Durham. It was sometimes called Cochecho Township. It was incorporated, December 7, 1762. New Durham Gore was incorporated as Alton, June 16, 1796.

Middleton was granted by the Masonian proprietors, April 27, 1749, as Middletown, to Ebenezer Varney and associates from Dover and Somersworth. The charter was renewed March 21, 1770, and it was incorporated as Middleton, March 4, 1778. Brookfield was set off and incorporated December 30, 1794. There is an interesting letter from Governor Benning Wentworth to the Masonian proprietors, dated February 6, 1770, which shows that he was in habit of traveling through this town at least. He complains of lack of good roads and says that thereby he has suffered five hundred dollars and more than once had his life endangered. The laborers in the construction of the road were unpaid by the town of Middleton. He intimates that possibly he would pay for the making of the road himself, were it not "merely to indulge and enrich a set of men, whose neglect has been injurious to all that part of the province, and leaves them scarce worthy of any favor from you."³ It would

³ N. H. State Papers, XXVII., 509-10.

be interesting to know how he was damaged five hundred dollars. It may be that the lack of a good road prevented his granting towns further north and thus getting additional acres to his credit.

Wakefield was granted to John Ham and others from Dover and Somersworth, April 27, 1749. It was known as Ham's-Town, East-Town and Watertown. It was incorporated as Wakefield, August 30, 1774.

Effingham was granted to a company of men mainly from North Hampton, June 28, 1749. The charter was renewed September 29, 1756. It was first called Leavittstown. The northern part of the town was set off and incorporated as Freedom, June 16, 1831.

Thus within five years after the purchase of John Tuf-ton Mason's claim to lands in New Hampshire the purchasers, called the Masonian proprietors, granted thirty-eight townships. Some of these were confirmations of grants already made by Massachusetts, but the most of them were new grants, made to petitioners, who saw the future value of the unoccupied lands and seized the opportunity to gain for a little what in a few years would be worth much. Thus hardy adventurers who could wield the axe and till the ground poured into the wilderness, taking little with them and getting from the soil both food and clothing sufficient for comfort. Their houses were built of logs, and the furniture was such as almost any one of them could make. Provision at the start was made for a church and a school house, both rough and unattractive, especially inside, but for all that just as good for the advancement of religion and education. The frontier settlers knew, too, that they would have to guard against a savage and cruel foe. Privations, hardships and sufferings developed stalwart men and brave women. Economy and thrift soon made the poor rich. The trail became the bridle-path, and this soon gave way to well built roads for teams of oxen and carriages, to be followed by the turnpike and later by the railroad.

Chapter XVIII

TOWNS GRANTED BY GOVERNOR
BENNING WENTWORTH

Chapter XVIII

TOWNS GRANTED BY GOVERNOR BENNING WENTWORTH.

Grant of Towns West of the Connecticut—Conditions of the Grants—Reservations to the Governor and His Friends—His Care for the Episcopal Church—Towns along the Southern Boundary—Hinsdale—Chesterfield—Walpole—Charlestown—Winchester—Richmond—Swanzy—Keene.

THE shrewdness of the Masonian proprietors in disposing quickly of their lands on terms advantageous to themselves was even excelled by Governor Wentworth, who had more land at his disposal. By the king's settlement of the boundary line, in 1741, as extending westward till it met the king's other governments, New Hampshire was led to claim as far as Massachusetts extended, or to within twenty miles of the Hudson river. Thus all of what is now the State of Vermont was thought to be included in the province of New Hampshire. To be sure New York claimed as far east as the Connecticut, and the claim was, in 1764, decided in its favor, but before that date Governor Wentworth had made grants of one hundred and twenty-nine townships, west of the Connecticut, besides six large grants to individuals. The townships were about six miles square, and the wording of the grants was almost identical. The conditions were, that every grantee, his heirs or assigns, should cultivate five acres within the term of five years for every fifty acres of his share and should continue to improve and settle the same on pain of forfeiture; that all pines fit for masts for the royal navy should be reserved for that use; that a tract near the center of the town should be laid out in town lots and that every grantee should have an acre thereof; that there should be an annual quit rent of an ear of Indian corn if demanded; that every proprietor, settler or inhabitant, should pay to the governor, his heirs and successors, yearly and forever, after the expiration of ten years, one shilling for every hundred acres owned and so proportionally. The governor did not forget to reserve five hundred acres in each grant

for himself, except in a few cases, where he took eight hundred acres. He also reserved one share "for the incorporated society for the Propagation of the Gospel in Foreign Parts, one share for a Glebe for the Church of England as by law established, one share for the first Settled Minister of the Gospel and one share for the benefit of a school in said town." In every grant appear, among the shareholders, the names of several members of the Wentworth and related families, or of some of the council and governor's friends in Portsmouth, though the names of members of the House of Representatives are in general conspicuous for their absence, the governor not being on good terms with them. Theodore Atkinson, the secretary who wrote all these grants, includes himself among the grantees in scores of instances. It is not to be supposed that all these grants were made without fees, presents, or tips, to the governor, secretary and influential members of the council. That was the general custom in England, in order to secure favors from the court, a species of "honest graft," as it has been called. Thus, it may be supposed, the governor found means to build on another room to his rambling house at Little Harbor from time to time.

The rent of one shilling for every hundred acres does not sound large, but since every township contained, on the average, twenty-five thousand acres, when twenty thousand acres were improved, the annual rent would be, for the one hundred and twenty-nine townships, something over five thousand dollars, a comfortable support for the governor, his heirs and successors.

Notice, too, the care of the governor for the Episcopal Church, or Established Church of England. At that time Queen's Chapel in Portsmouth, to which the governor and Theodore Atkinson belonged, was the only church of that order in New Hampshire. Later, in 1773, there were but three other places in the province where an Episcopal missionary could find that a few people met on Sundays to read prayers from the Prayer Book and printed sermons. These towns were Alstead, Claremont and Haverhill. There was also one such place west of the Connecticut river, Springfield. The nearest of any of these settlements to an Episcopal clergyman was one hundred and thirty miles. Surely Governor Wentworth had denomina-

tional faith to thus provide for the future of prospective churches.

It cannot be easily overlooked that in the course of granting of townships on both sides of the Connecticut river the governor must have appropriated to himself from seventy-five thousand to 100,000 acres of land, whose increasing value depended wholly upon the hardships and labors of others. Some of these lands he sold. Some were claimed by John Wentworth, his successor in office.

The granting and incorporation of towns in New Hampshire, by the governor with advice of council, went on with rapid pace. The people everywhere were as eager to get land as the governor was to get fees and more land. On the southern boundary the portions taken off from old towns of Massachusetts soon became separate towns of New Hampshire. South Hampton was incorporated May 25, 1742, from parts of Hampton and Kingston. Newton was incorporated December 6, 1749, as Newtown, and its name was changed to Newton, July 10, 1846. Plaistow, a part of Haverhill, was incorporated February, 1749, and a portion of it was set off and incorporated as Atkinson, September 3, 1767, named for Theodore Atkinson, a large land-owner therein. Hampstead, made up of parts of Haverhill and Amesbury, and known at first as Timberlane, was incorporated January 19, 1749. A very large oak in the center of the village was a boundary mark between old Haverhill and Londonderry. Salem, made up of parts of Haverhill, Methuen and Dracut, was incorporated May 11, 1750, and its charter was confirmed by the Masonian proprietors March 8, 1759. Pelham was composed of parts of old Dunstable and Dracut and was incorporated July 5, 1746, named in honor of Thomas Pelham Holles, Duke of Newcastle. Its charter was confirmed by the Masonian proprietors April 27, 1774.

In the valley of the Connecticut river the places that had suffered so much during the first French and Indian war became towns under the government of New Hampshire soon after peace was declared. Hinsdale, originally a part of Northfield, Massachusetts, and sometimes called Fort Dummer, was incorporated September 3, 1753, and took its name from Col. Ebenezer Hinsdale, who had built and successfully defended a garrison house therein, sometimes called a fort.

The next town north, on the river, was Chesterfield, known previously as Number 1. It was granted to twelve persons by the name of Willard and fifty-two others and incorporated February 11, 1752.

Westmoreland, or Number 2, sometimes known as Great Meadows, was incorporated February 11, 1752. The first settlers came in about the year 1741. Though driven off by Indians they returned. Its fertile lands, easily cultivated, were the lodestone of attraction.

Walpole, or Number 3, often known as Great Falls, was granted by Massachusetts, in 1735-6, to John Flint and others. It was granted by New Hampshire February 13, 1752, to Colonel Benjamin Bellows and others. It was incorporated as Walpole at the same time, though it was sometimes called Bellows Town. The charter was renewed March 12, 1761. A part of this town, together with a part of Charlestown, was set off and incorporated as Langdon, January 11, 1787. The first settler of Walpole was John Kilburn, who figured bravely in the conflicts with the Indians.

Charlestown, or the Number 4 of the Massachusetts grants of 1735, was incorporated as Charlestown July 2, 1753. It was settled by families from Groton, Hastings and Lunenburg, Massachusetts, and we have seen how the fort here was nobly defended by Captain Phineas Stevens and a small company of men. Being the frontier township on the Connecticut river it stood the brunt of Indian attacks.

Winchester was granted by Massachusetts to Josiah Willard and others and was called Earlington, or Arlington. It was incorporated as Winchester July 2, 1753.

Richmond was granted by Massachusetts, June 20, 1735, to Captain Joseph Sylvester's men and called Sylvester-Canada. It was granted by New Hampshire, February 24, 1752, to Joseph Blanchard and others, and was then incorporated as Richmond. The charter was renewed June 11, 1760. It was settled by people from Massachusetts and Rhode Island.

Swanzy was granted by Massachusetts, April 20, 1733, to Nathaniel Hammond and others, and was called Lower Ashuelot, from the name of the river. It was incorporated as Swanzy, July 2, 1753, and named from Swanzy, Massachusetts.

The first settlement was wiped out in the first French and Indian war, but it was quickly resettled after peace was declared. The Rev. Timothy Harrington was the minister here from 1741 to 1747.

Keene was granted by Massachusetts as Upper Ashuelot. The first settlement was commenced, about 1736, by Jeremiah Hall, Nathan Blake, Elisha Root, Josiah Fisher and others. It was incorporated as Keene, April 11, 1753, and named in honor of Sir Benjamin Keene. It has become one of the great manufacturing centers of the State.

A few other towns were granted before 1755, but since no settlement was made, mention of them is deferred to a later period. Madbury was set off from Dover and incorporated in 1755, and Sandown, taken from Kingston, was incorporated April 6, 1756.

The outbreak of the French and Indian war, in 1755, caused a pause in the settlement and development of new towns, but after the reduction of Canada and its submission to the sway of England the frontier was pushed north with great vigor.

Appendix A

THE GREAT HOUSE

Appendix A

THE GREAT HOUSE.

IN the first volume of the Provincial Papers of New Hampshire, pp. 45-48, may be seen depositions by Francis Small, Nathaniel Boulter, John Redman and George Walton. All are of like import, but that of George Walton is most explicit, and a statement in it has been so misinterpreted as to locate a great house at Odiorne's Point, where David Thomson built his house. The deposition is here given in full:

George Walton, of Great Island, in the Province of New Hampshire, yeoman, aged seventy years, or thereabouts, testifieth, that he hath been an inhabitant in the said province about fifty years; that most part of the lands he now possesses were granted by Capt. Henry Jocelyne, Steward to Capt. Mason, the proprietor; that this deponent doth very well know that Capt. Mason had many servants, and a great stock of cattle upon his lands; that the said servants, and others, after the decease of the said Capt. Mason, did imbezill and ruin the estate. And particularly Capt. Francis Norton, agent or steward to Capt. Mason, or his heirs, about forty years since, did drive from Capt. Mason's Plantation, at Piscattaway, called the great house, about one hundred head of great cattle, which were then usually valued at twenty-five pounds the head; and as this deponent was credibly informed, the aforesaid cattle were sold in and about Boston by the said Norton, who also settled himself thereabouts, and deserted Capt. Mason's Plantation; that thereupon the rest of the stock, goods and implements belonging to Capt. Mason's Plantation were made away with by the said servants and others. And this deponent doth very well remember the fort built by Capt. Mason upon the Great Island (in the same place where the fort now stands), and that it was strong and substantially made, and furnished with great guns, of which some were brass, and were afterwards taken away by Major Waldern and his brother William Waldern and others, but by what authority this deponent never heard. And some of the guns this deponent did see put into a ship belonging to one Lane. And this deponent knows, that to the great house at Piscattaway aforesaid, there were adjoining about one thousand acres of improved lands, marsh, meadow and planting grounds, which were divided and parcelled by the servants of Capt. Mason and others, the select, or prudential men (of the town of Portsmouth), as they were so called, who still enjoy the same, or their heirs and assigns, whereof William Vaughan and his brother-in-law have a large share given them by their father-in-law, Richard Cutt. And the said great house, by the means aforesaid, came to decay and fell down, the ruins

being yet to be seen, out of which several good farms are now made. And this deponent doth very well remember that the said Capt. Mason had made a great plantation at a place called Newichawannock, about sixteen miles from that of Piscataway, which by the means aforesaid was ruined, and shared among several of the said Capt. Mason's servants and others. And this deponent doth further say, that to his particular knowledge, the servants sent over by Capt. Mason, of which some are living, and those descended from them, have been and are the most violent opposers of the new proprietor, Robert Mason, Esq. And this deponent further saith, that those lands in Portsmouth called, both now and formerly, Strawberry Bank, were the planting grounds and pasture belonging to the great house at Strawberry Bank, wherein Thomas Wannerton did inhabit, that was sometime agent for Capt. Mason, and after the death of Wannerton, who was slain about fifty years since, the said house and lands were possessed by Sampson Cane, but by what right this deponent doth not know.

GEORGE WALTON.

Taken before me, the 18th December, 1685,

WALTER BAREFOOT, Dep. Governor.

The statement above made that before 1685 the great house was in ruins has led into error, since it is positively known that the great house at Strawberry Bank was tenanted after that date. The explanation is given below.

In the scramble for Capt. John Mason's property his agent, Thomas Wannerton, held possession of the great house with adjacent lands, but probably not all the lands that originally were connected therewith, about a thousand acres as George Walton testified, or the greater part of the land on which the city of Portsmouth now stands. The house and his share of land he sold to Robert Saltonstall and David Yale, April 26th, 1644, just before his fatal trip to the Penobscot. Robert Saltonstall sold the same to David Selleck, soapboiler and merchant of Boston, August 3, 1646. David Selleck and Richard Leader, in 1654 contracted to bring two hundred and fifty Irish maids, between the ages of fourteen and forty-five and three hundred Irishmen, between the ages of twelve and fifty, to be gathered within ten miles of Cork, to New England, as we are told in Prendergast's Cromwellian Settlement of Ireland. Selleck lived in Boston a dozen years or so and died in Virginia in October, 1654. He sold the above named house and lands at Strawberry Bank to Sampson Lane, master of the ship Neptune of Dartmouth. All these sales are recorded in the first volume of Suffolk Deeds.

Ambrose Lane, merchant of Strawberry Bank, or Piscataway, sold to Richard Leader, April 3, 1652, for one hundred and eighty pounds, all that house and farm at Strawberry Bank which he bought of David Selleck, "which was formerly Thomas Wannertons, together with all the Buildings, Edeffices, out houses, Barns, gardens, orchards, yards, ffences; also six Acres of broken up Ground, and Ten Acres of Marsh near adjoining and thereunto appertaining, with Two hundred acres of upland near adjoining unto Capt. ffrancis Champernowne." This last piece of land may have been in Greenland. Richard Leader sold the house and land to John and Richard Cutts, October 1, 1655.¹

On the division of their estates in 1662 the great house and adjoining lands fell to John Cutt, who in his will, May 8, 1680, gave to his son, Samuel Cutt, "my house commonly called the Great house with the orchard and field adjoining."

Samuel Cutt died October 15, 1698, and his widow, Eleanor, married Thomas Phipps, who sold, May 8, 1700, to William Partridge Jr., land "part whereof is part of that ground on which the Great House stands, that is, the southerly end of the great house & the stack of chimneys." It was bounded "with sd Phipps own land being that whereon the other end of the great house did formerly stand, together with the end of the house now standing on sd land with the chimneys aforesaid & the Cellar on which it standeth."²

So George Walton was correct in saying that in 1685 the Great House was in ruins, although one end of it continued in use for many years. William Partridge and wife Hannah sold this, August 11, 1711, to John Knight, "part of that ground on which a hous called the grate house stood." John Knight bequeathed the land to his son, Temple Knight, on whose death his brother, John Knight gained possession of it, and he bequeathed it to his son, George Knight, who sold it to James Hickey, about 1770.

The great house is mentioned in deeds in years¹ 1692-3. Samuel Cutt leased it to John Partridge, March 20, 1693, for

¹ N. H. Prov. Deeds, VI., 63, 64.

² N. H. Prov. Deeds, VI., 417.

³ N. H. Prov. Deeds, IX., 609, 176, 531. See several depositions concerning it in N. H. Court Papers, vol. for 1693-4, pp. 410-19.

four years, at twelve pounds annually. It was used as an inn.

Thomson's house at Odiorne's Point was never called a Great House, nor was it located where it could be used conveniently as an inn in the early years of the settlement. There is some evidence that the inn kept by Henry Sherburne at Sanders Point, in 1647, was called a Great House, and that a ferry connected it with Strawberry Bank.

Appendix B

Appendix B

In the first volume of New Hampshire Provincial Papers, pp. 136, 137, may be seen depositions taken from records of old Norfolk County Court. They are as follows:

I, John Wheelwright, pastor of the church of Salisbury, doe testify that when I, with others, came to set down at Exeter, we purchased of the Indians, to whom (so far as we could learn) the right did belong, a certain tract of land about thirty miles square to run from Merrimack river eastward, and so up into the country, of which lands we had a graunt in writing signed by them.

JOHN WHEELWRIGHT.

April 15, 1668.

Mr. Edward Colcord testifieth to all above written and farther saith that one northerly bound mentioned in our agreement with Wehannownowit, the chief Sagamore, was the westerly part of Oyster River, called by the Indians, Shankhassick, which is about four miles northerly beyond Lamperiele River.

We, the aforesaid witnesses, doe further testify that they of the town of Exeter did dispose of and possesse divers parcels of land about Lampreel River by virtue of sd Indian right before such time as it was actually taken in by the jurisdiction of the Massachusetts without interruption of Dover or any other.

Mr. Samuel Dudley doth testify that he did see the agreement in writing between the town of Exeter and the Sagamores for that land which is above mentioned and the said Sagamores hands to the same. Sworn before the Court the 14th 2d mo. 1668.

THOMAS BRADBURY rec.

These depositions seem to refer plainly to the deeds of 1638. Recently I have seen depositions found in a folder of Court Files at Concord, N. H., No. 17795, in connection with a case that was tried in the year 1711, Capt. Joseph Smith of Hampton vs. Robert Wadleigh of Exeter. They are as follows:

The Deposition of Henry Roby & Tho: King & Mr Stanian Testifieth that there was a Combinacon on Record in Exiter bareing date 1639: and a great many hands to the sayd Combinacon wch did ingage them selves to own the King & his lawes & to submit to the same.

Sworn before the Court held at Hampton the 13th of the 8th mo 1663.

THOMAS BRADBURY, Rec.

The deposition of John Wheelwright. This deponent testifieth That himself wth some others who were to set down at Exeter did imploy Edward Colcord to purchase for them as he remembers a certayn tract of land from Oyster River to Merrimack of the Indians for which they gave him ten or twelve pounds in money & had a grant thereof signed by some Sagamors with their marks upon it of wch Runnawitt was one. Sworn before the Court at Hampton the 13th of the 8th mo 1663.

THO: BRADBURY rec.

The deposition of Edward Colcord who sworn saith That the said Edward being imployed by Mr John Wheelwright & Company: Likewise by the perswasion of Capt. Wiggin to buy a certayn tract of land from Oyster River towards Merrimack, the wch parcell of land the said Edward did buy for them & had a firme deed for it under Sagamore Runawits hand & others wth him & that this people seated upon this land the general Court have owned to be a towne, as likewise the town of Hampton have done from time to time; and accepting of them by sending for their votes, And that wee the town of Hampton have owned them from time to time. Sworn before the Court at Hampton the 13th 8th mo 1663.

THO: BRADBURY rec.

This is a true Copie of the originall on file as attest Tho: Bradbury rec.

These depositions differ from those cited above and seem to refer to the Wheelwright deed of 1629, which alone was signed by the sagamore Runawit. Edward Colcord was only thirteen years old in 1629, and could not then have been employed as an agent in purchasing land. If the depositions are genuine, there is a defect of memory on the part of both Wheelwright and Colcord, for they must mean the deed of 1638, which was not signed by sagamore Runawitt. The attested copy of the depositions seems to be in the handwriting of Richard Chamberlain, recorder at Portsmouth and secretary of the Province, 1680-7.

In the same folder of Court Files, No. 17795, is found the original deed of gift, or indenture, by which Captain Thomas Wiggin conveyed to the town of Exeter a large tract of land adjoining Hampton. It has been hidden away for over two hundred years and was never recorded, so far as has been learned. Governor Bell, in his History of Exeter, hints at such a gift as having been made before 1656. Probably what he said is based upon a town record, a copy of which appears also in the same folder of Court Files. The town record is as follows:

At a town meeting the (28) day (2) mon 1656 it was ordered that a petition shall be sent to next generall Corte for to have Captan Wiggin deede

of gift confermed to the town of the land and madow, and that mr bartaline of ipsigd [William Bartholomew of Ipswich] should presente the petition.

SAMUEL THING, town clerk.

The deed, or indenture, is clearly written in ancient style, and the three signatures have three different seals in red wax. It is here published for the first time and is the basis of many grants:

This Indenter Made the first day of the 2d Month Aprill in the yeare of Our Lord God 1639 betweene Thomas Wiggins of Pascatiqua in New England Gent sole agent and deputye for the right honorable William Viscount Saye and Seale and Robert Lord Brooke Sir Arthur Hasellricke Knt and Baronett Sir Arthur [Richard] Saltingstone Knt and certaine other Gents of the Kingdome of England Lords and owners of the plantation of Pascatiqua in New England and also Lords and owners of all that tract of Land leyng or being on the south side of the River called Pascatiqua from the sea unto the fall of the said river and three Miles in the Maine Land from the said river (except six thousand acres of the said tract of land leyng and being towards the sea) of the one p'te and Captain Richard Morris, Nicholas Needam Isaac Grosse Rulers of the Towne of Exeter for and in the behalfe of the said Towne of the other p'te Wittneseth that the said Thomas Wiggins for good causes and considerations him thereunto especially moveing hath given granted and confirmed and by these presents doth give grant and confirme unto the said Richard Morris, Nicholas Needam, Isaac Grosse their heires or assignes forever all that p'te or parcell of the said tract of Land from ye said fall towards the sea unto the mouth of a certaine creeke one such side thereof their Lyeth little Narrowe plats of **Mash Grounds** wch have been for two years last past in the occupation of John Wheelwright Pastore of the Church of Exeter being by estimation from the fall of the said river unto the said Creeke 3 quarters of a Mile or there abouts bee it more or lesse, and from the said River into the Maine Lands three miles and also all and singular woods under woods and Trees growing or being in or upon the same premises herby given and granted, wth all p'cells commodities advantages and hereditaments whatsoever belonging or appertaining unto the said p'misses herby given granted & confirmed or to any parts therof, except and alwaies received [sic] unto the said Thomas Wiggins, and the said Lords and owners of the said p'mises before specified and mentioned their heires and assignes agents and deputies and every of them free liberty to take fish at or about the said fall of the said River p'portionably according to that right wch belongs unto them to have or to hold the said part or p'cell of Land wth all p'fits comodities and hereditaments before in these p'sents given granted and confirmed (except before excepted) unto the said Richard Morris, Nicholas Needam, Isaac Grosse, their heires and assignes for ever, to use of the said Towne of Exeter for ever more; yielding and paying yearly unto the said Thomas Wiggins and the said Lords and owners aforesaid their heires and assignes

for every hundred acres of Lands wch shall bee converted into use 2p stearling Money being lawfully demanded p'vided alwaies and upon Condition that they the said Richard Morris, Nicholas Needam, Isaac Grosse their heires and assignes shall doe their best indeavor to defend and maintaine the right and interest of the said Lords and owners their heires and assignes agents and deputies of and in the said tract of Land before specified and mentioned against all invaders and intruders seditious practises or any that shall doe them violence or violate there right, wch if they or any of them shall refuse or neglect to doe, that then they or any of them refusing or neglecting soe to doe shall forfeite their Right or estates given granted and confirmed as aforesd. And the said Thomas Wiggins for himselfe and for the said Lords and owners aforesaid their heires and assignes doth p'miss Grant and agree that hee the said Thomas Wiggins and the said Lords and owners aforesd shall doe their best indeavor to defend and Maintaine the right and title of the said Richard Morris, Nicholas Needam, Isaac Grosse, their heires and assignes of and in the said part of the said tract of Land by these p'sents given and granted against all intruders invaders seditious practices or any that shall doe them violence or violate their right, given and granted as aforesd, wch if the said Lords and owners their agents and deputies shall refuse or neglect soe to doe That then the said Richard Morris, Nicholas Needam, Isaac Grosse, their heires or assignes shall bee free from the said p'miss and Condition aforesd. In witness whereof the p'ties to these p'sents have interchangeablie sette their hands & seales the day and yeare first above written.

RICHARD MORIS	(seal)
NICHOLAS NEEDHAM	(seal)
IS GROSSE	(seal)

Sealed and delivered in the p'sence of

JOHN WHELWRIGHT

GEORGE SMYTH

LENAORD MORRES

In the same folder may be found depositions by John Redman senior, aged 66, March 8, 1710; Jethro Parson of Exeter, aged about 33, March 8, 1710; Israel Smith aged 40 and Jacob Smith aged about 38, March 8, 1710; Robert Smith aged 61 or thereabouts and Nathaniel Boulter aged 50 or thereabouts, Oct. 14, 1673; Philemon Bleak aged about 40, Andrew Wiggin aged about 30, and John Foulsham aged about 34, 19th of 8th mo. 1671; Samuel Dalton aged about 40, 12 of second month, 1670; John Samborne to an event in 1650; William Taylor, Oct. 14, 1673; Benjamin Rawlings "of fool age"; Ephraim Marston and Joseph Sweet of full age, August 14, 1711; Jonathan Robison and David Robison to an event that occurred in 1669, sworn in court June 7, 1711; Moses Moris of full age; Samuel Elkins of

full age; William Sanborne of full age; and Henry Robey, James Sinkler, Henry Wadleigh, Nicholas Gilman, and John Thing, all of full age.

Appendix C

Appendix C

The statement made on pages 48 and 367, that Newton and South Hampton came within the limits of Hampton after the boundary line was fixed needs correction. Those towns were carved out of the strip taken from Massachusetts and never formed a part of Hampton, though some writers have so asserted, among them Alonzo G. Fogg in his *Gazetteer of New Hampshire*. South Hampton was incorporated May 25, 1742, only one year after the fixing of the boundary, and Newton was incorporated as Newtown December 6, 1749.

Appendix D

Appendix D

It has been stated on page 298 that when the commissioners appointed in 1887 resurveyed the boundary between New Hampshire and Massachusetts, they were unable to find in either State the plan made by Richard Hazzen in 1741 and had to send to London and get a copy of the plan found in the Public Record Office. A fac-simile of that plan was published in one of their reports. Recently the writer hereof had the good fortune to stumble upon a copy of Richard Hazzen's plan, made with great clearness and accuracy. It was used in a law suit between Samuel Johnson Jr. and Joseph Platts at his Majesty's Inferior Court of Common Pleas holden in Portsmouth, September 5, 1751, and has been concealed in a bundle of court files from that time to this. While the published plan from London extends only to the Connecticut river, this copy found extends the plan of the surveyor to the Hudson river, indicating the principal streams, mountains, lakes and villages, and a few houses of the settlers. This plan locates the Boundary Pine a little east of Beaver River and Fort Dummer is west of the Connecticut, thus settling a disputed location of that fort. The copy of Hazzen's plan was found in folder No. 5382.

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